

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
IN RE: NATIONAL PRESCRIPTION) MDL No. 2804
OPIATE LITIGATION)
)
)
THIS DOCUMENT RELATES TO:)
Track Nine: Tarrant County,) Case No.: 17-md-2804
Texas)
)
(Case No. 1: 18-op-45274-DAP)) Judge Dan Aaron Polster
)

ORAL AND VIDEOTAPED DEPOSITION OF
BILLY EARL WAYBOURN
JULY 6, 2023
(REPORTED REMOTELY VIA ZOOM)

ORAL AND VIDEOTAPED, VIA ZOOM VIDEOCONFERENCE,
DEPOSITION OF BILLY EARL WAYBOURN, produced as a witness
at the instance of the Defendants and duly sworn, was
taken in the above-styled and numbered cause on
Thursday, July 6, 2023, from 10:08 a.m. to 2:08 p.m.,
before Kari Behan, CSR, RPR, CRR, a Texas certified
machine shorthand reporter, with the witness
participating remotely, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
herein.

Job No. 5945991

Page 2	Page 4
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF (REMOTELY):</p> <p>3 ALEX ABSTON, ESQ.</p> <p>4 - and -</p> <p>5 SADIE TURNER, ESQ.</p> <p>6 LANIER LAW FIRM, P.C.</p> <p>7 10940 W. Sam Houston Parkway N.</p> <p>8 Suite 100</p> <p>9 Houston, Texas 77064</p> <p>10 (281) 748-7693</p> <p>11 alex.abston@lanierlawfirm.com</p> <p>12 sadie.turner@lanierlawfirm.com</p> <p>13</p> <p>14 FOR THE DEFENDANTS, THE KROGER CO., KROGER LIMITED</p> <p>15 PARTNERSHIP I, KROGER LIMITED PARTNERSHIP II, KROGER</p> <p>16 TEXAS LP (REMOTELY):</p> <p>17 AARON BOONE, ESQ.</p> <p>18 - and -</p> <p>19 ANTHONY "TONY" RYAN, ESQ.</p> <p>20 BOWLES RICE LLP</p> <p>21 600 Quarrier Street</p> <p>22 Charleston, West Virginia 25301</p> <p>23 (304) 347-1100</p> <p>24 aboone@bowlesrice.com</p> <p>25 anthony.ryan@bowlesrice.com</p> <p>FOR THE DEFENDANT, ALBERTSONS (REMOTELY):</p> <p>ALLISON STEWART, ESQ.</p> <p>GREENBERG TRAURIG, LLP</p> <p>2200 Ross Avenue</p> <p>Suite 5200</p> <p>Dallas, Texas 75201</p> <p>(214) 665-3641</p> <p>stewart@gtlaw.com</p>	<p>1 ---</p> <p>2 INDEX</p> <p>3 ---</p> <p>4 EXAMINATION OF BILLY EARL WAYBOURN PAGE</p> <p>5 BY MR. BOONE..... 8</p> <p>6 BY MS. STEWART.....115</p> <p>7 BY MR. BOONE.....117</p> <p>8 CHANGES AND SIGNATURE.....121</p> <p>9 REPORTER'S CERTIFICATION.....123</p> <p>10 * * *</p> <p>11 EXHIBITS</p> <p>12 EXHIBITS DESCRIPTION PAGE</p> <p>13 Exhibit 1 Notice of Remote Videotaped 12</p> <p>14 Deposition of Bill Waybourn</p> <p>15 Exhibit 2 North Texas HIDTA 2013 48</p> <p>16 Strategy, June 2012,</p> <p>17 Texoma_HIDTA_0784 to 0804,</p> <p>18 Highly Confidential -</p> <p>19 Attorneys' Eyes Only</p> <p>20 Exhibit 3 North Texas HIDTA 2014 54</p> <p>21 Strategy, June 2013,</p> <p>22 Texoma_HIDTA_0857 through</p> <p>23 0875, Highly Confidential -</p> <p>24 Attorneys' Eyes Only</p> <p>25 Exhibit 4 Texoma HIDTA 2016 Strategy, 56</p> <p>26 Texoma_HIDTA_0152 through</p> <p>27 0163, Confidential - Subject</p> <p>28 to Protective Order</p> <p>29 Exhibit 5 Texoma HIDTA Threat 59</p> <p>30 Assessment, June 2017,</p> <p>31 Texoma_HIDTA_0254 through</p> <p>32 0305, Confidential - Subject</p> <p>33 to Protective Order</p>
<p>1 APPEARANCES (CONTINUED):</p> <p>2 ALSO PRESENT:</p> <p>3 Mark Kratovil, Esq.</p> <p>4 Tarrant County District Attorney's Office</p> <p>5 CONCIERGE:</p> <p>6 Bill Craddock</p> <p>7 VIDEOGRAPHER:</p> <p>8 Tommy Marsh</p>	<p>1 EXHIBITS (CONTINUED):</p> <p>2 Exhibit 6 Texoma HIDTA Threat 64</p> <p>3 Assessment, June 2018,</p> <p>4 Texoma_HIDTA_0347 through</p> <p>5 0386, Confidential - Subject</p> <p>6 to Protective Order</p> <p>7 Exhibit 7 E-mail thread, Subject: FW: 66</p> <p>8 RE: Opiate Overdose Data,</p> <p>9 TARRANT_00706329 through</p> <p>10 00706330, Confidential</p> <p>11 Exhibit 8 April 2018 Patrol Standard 68</p> <p>12 Operating Procedures,</p> <p>13 TARRANT_00700397 through</p> <p>14 00700399, Confidential</p> <p>15 Exhibit 9 E-mail thread, Subject: Re: 72</p> <p>16 National Pharmaceutical Take</p> <p>17 Back, TARRANT_00684075 through</p> <p>18 006840798, Confidential</p> <p>19 Exhibit 10 2018 NTXCIU Press Release, 75</p> <p>20 TARRANT_00891662, Confidential</p> <p>21 Exhibit 11 E-mail from Mike Simons, 82</p> <p>22 TARRANT_00861977</p> <p>23 Exhibit 12 E-mail thread, Subject: FW: 85</p> <p>24 Overdose Initiatives,</p> <p>25 TARRANT_00683582 through</p> <p>00683584, Confidential</p> <p>Exhibit 13 E-mail, Subject: For POTUS 89</p> <p>briefing, TARRANT_00697990,</p> <p>Confidential</p> <p>Exhibit 14 E-mail thread, Subject: RE: 93</p> <p>Requested Statistics FY2021,</p> <p>TARRANT_00698218 and 00698219,</p> <p>Confidential</p> <p>Exhibit 15 E-mail thread, Subject: FW: 96</p> <p>Stats, TARRANT_00684432</p> <p>through 00684434, Confidential</p>

<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS (CONTINUED):</p> <p>2 Exhibit 16 APALD Flier, TARRANT_00827551 99 through 00827553, Confidential</p> <p>3</p> <p>4 Exhibit 17 E-mail, Subject: BJA Grant 101 Award Notice: 2021 Justice and Mental Health Collaboration Program Grant to MHMRTC (County MOU), TARRANT_00034009 and 00034010, Confidential</p> <p>5</p> <p>6 Exhibit 18 Press Release, Re: Fentanyl, 107 Cocaine and Guns out of criminal hands, dated February 25, 2022, TARRANT_00855917 and 00855918, Confidential</p> <p>7</p> <p>8 Exhibit 19 2019 TCSD Annual Report, 109 TARRANT_00885303 through 00885320, Confidential</p> <p>9</p> <p>10 Exhibit 20 Fiscal Year 2019 Budget 112 Request, TARRANT_00511670 through 00511809, Confidential</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 after having been first duly sworn by the</p> <p>2 above-mentioned Certified Court Reporter, was examined</p> <p>3 and testified as follows:</p> <p>4 THE COURT REPORTER: Thank you. We may</p> <p>5 proceed.</p> <p>6 EXAMINATION</p> <p>7 BY MR. BOONE:</p> <p>8 Q. Good morning, sir. Would you state your full</p> <p>9 name for the record, please?</p> <p>10 A. Billy Earl Waybourn.</p> <p>11 Q. And, sir, my name is Aaron Boone. I'm an</p> <p>12 attorney with The Kroger Company. We are a defendant in</p> <p>13 a lawsuit that's been filed by Tarrant County.</p> <p>14 Have you ever appeared for a deposition</p> <p>15 before?</p> <p>16 A. I do not recall having to do this. If I did</p> <p>17 it, it was a long, long time ago.</p> <p>18 Q. Okay. So we, of course, are sitting for a</p> <p>19 deposition. There is a court reporter that is taking</p> <p>20 everything that you and I and counsel say today on a</p> <p>21 record, and you have, of course, been sworn to tell the</p> <p>22 truth.</p> <p>23 The court reporter would really appreciate</p> <p>24 it that we obey a few rules just so that we can ensure</p> <p>25 we get an accurate transcript. One of those things that</p>
<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS:</p> <p>2 (Thursday, July 6, 2023, at 10:08 a.m.)</p> <p>3 THE VIDEOGRAPHER: Good morning, everyone.</p> <p>4 We're going on the record at 10:08 a.m. on July 6, 2023.</p> <p>5 This is the video-recorded deposition of Sheriff</p> <p>6 Bill Waybourn in the matter of the National Prescription</p> <p>7 Opiate Litigation.</p> <p>8 This deposition is being held via Zoom. My</p> <p>9 name is Tommy Marsh representing Veritext; I'm the</p> <p>10 videographer. The court reporter is Mrs. Kari Behan,</p> <p>11 also representing Veritext. I believe notices have</p> <p>12 already been -- or appearance of notices have already</p> <p>13 been made.</p> <p>14 So, Mrs. Behan, will you swear in the</p> <p>15 witness, please.</p> <p>16 THE COURT REPORTER: Yes.</p> <p>17 Mr. Waybourn, would you please raise your</p> <p>18 right hand.</p> <p>19 THE WITNESS: (Complied.)</p> <p>20 THE COURT REPORTER: Do you solemnly swear</p> <p>21 the testimony you're about to give will be the truth,</p> <p>22 the whole truth, and nothing but the truth, so help you</p> <p>23 God?</p> <p>24 THE WITNESS: I do.</p> <p>25 BILLY EARL WAYBOURN,</p>	<p style="text-align: right;">Page 9</p> <p>1 she would like for us to do is to not talk over one</p> <p>2 another. This means I need to make sure you can get</p> <p>3 your answer out fully before I ask the next question and</p> <p>4 that you do your best to make sure I can get my question</p> <p>5 out fully before you begin answering your question.</p> <p>6 Are you okay with that?</p> <p>7 A. I'm great.</p> <p>8 Q. All right. She would also appreciate that we</p> <p>9 say "yes" and "no," as opposed to "uh-huhs" and "uh-uhs"</p> <p>10 or -- or shakes of the head, because, again, that helps</p> <p>11 capture a more accurate record.</p> <p>12 Are you okay with that?</p> <p>13 A. Very good with that.</p> <p>14 Q. So we, of course, are appearing remotely.</p> <p>15 We're using Zoom technology which allows me to speak</p> <p>16 with you today. I'm here in West Virginia, and you're,</p> <p>17 of course, in Texas; is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. All right. So sometimes we're at the mercy of</p> <p>20 technology. So if there ever comes a point, sir, where</p> <p>21 you can't hear me or maybe you can't see me and that's</p> <p>22 affecting your ability to -- to answer the question,</p> <p>23 please let me or your counsel know, and we will stop and</p> <p>24 do what we can to fix the technology issue.</p> <p>25 Is that fair?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Very fair.</p> <p>2 Q. All right. If at any time you need to take a</p> <p>3 break, whether it's to stretch your legs or use the</p> <p>4 restroom or grab a bite to eat, please let me know, and</p> <p>5 we'll take a break. My only request is that we complete</p> <p>6 any pending question before we take that break.</p> <p>7 Is that fair?</p> <p>8 A. That's very fair.</p> <p>9 Q. All right. And I understand that you're seated</p> <p>10 today with an attorney next to you; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. All right. Now, at times, she may object or --</p> <p>13 or place an objection on the record to a question that</p> <p>14 I've -- that I've asked you. Let her do that. But --</p> <p>15 but, certainly, once she has made her objection, unless</p> <p>16 she specifically instructs you not to answer, you'll --</p> <p>17 you'll be permitted to go forth and give the answer to</p> <p>18 my question. Okay?</p> <p>19 A. Okay.</p> <p>20 Q. All right. So how did you prepare for today's</p> <p>21 deposition?</p> <p>22 A. I met with the attorneys on-site today, and</p> <p>23 there were a couple other attorneys from -- from that</p> <p>24 organization.</p> <p>25 Q. Okay. Now, I don't need to know the content of</p>	<p style="text-align: right;">Page 12</p> <p>1 A. (Indicating)?</p> <p>2 Q. Yes.</p> <p>3 -- you can open up that folder, and we'll</p> <p>4 take a look at that.</p> <p>5 (Off-record discussion.)</p> <p>6 (Exhibit 1 was marked for identification.)</p> <p>7 MR. BOONE: Okay. The concierge can go</p> <p>8 ahead and publish this. This will be Exhibit 1.</p> <p>9 CONCIERGE: Hey, Counsel, it looks like</p> <p>10 it's already in the folder.</p> <p>11 MR. BOONE: Okay, great. Thank you. So --</p> <p>12 MS. ABSTON: Never mind. I was going to</p> <p>13 say: We haven't seen it on our screen yet, but it just</p> <p>14 came up.</p> <p>15 MR. BOONE: Yep, yep.</p> <p>16 BY MR. BOONE:</p> <p>17 Q. So what I'm doing is I'm showing you a version</p> <p>18 of Exhibit 1 that's on my screen. It's preset on my</p> <p>19 screen, so I can be more efficient when going through</p> <p>20 these exhibits.</p> <p>21 But, again, Sheriff, this is -- what I've</p> <p>22 marked as Exhibit No. 1 is entitled "Notice of Remote</p> <p>23 Videotaped Deposition of Bill Waybourn."</p> <p>24 And you, sir, are Sheriff Bill Waybourn,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 11</p> <p>1 your discussions. But just generally, how many times do</p> <p>2 you think you met?</p> <p>3 A. I believe I recall that we had met a total of</p> <p>4 three times.</p> <p>5 Q. Okay. And is that in -- three times in recent</p> <p>6 days or weeks or three times in the last few years?</p> <p>7 A. It was twice in the last week or so and then</p> <p>8 once several -- I believe it was several months ago.</p> <p>9 Q. Did you review any documents or materials to</p> <p>10 prepare for this deposition?</p> <p>11 A. No, sir.</p> <p>12 Q. Okay. Now, do you understand that in this</p> <p>13 lawsuit Tarrant County has sued pharmacies Kroger, as</p> <p>14 well as Albertsons, alleging that we did certain things</p> <p>15 with our pharmacies that may have contributed to an</p> <p>16 opioid crises in your county? Are you generally aware</p> <p>17 that that's the nature of the lawsuit?</p> <p>18 A. Generally aware, yes, sir.</p> <p>19 Q. Okay. I want to introduce what's been</p> <p>20 previously marked as Exhibit No. 1, and that is,</p> <p>21 essentially, the notice of deposition.</p> <p>22 Sheriff, there are some documents that I</p> <p>23 provided in hard copies to you and your counsel before</p> <p>24 today. They -- those documents have been sealed in</p> <p>25 envelopes, and so when I identify an exhibit number --</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Correct. Yes.</p> <p>2 Q. All right. And this indicates that: The oral</p> <p>3 videotaped deposition of Bill Waybourn, you, will occur</p> <p>4 on July 6, 2023, beginning at 10:00 a.m. Central Time.</p> <p>5 So I would just ask that this -- do you</p> <p>6 recall seeing this notice by any chance, sir?</p> <p>7 A. I did not see it. I was briefed that it was</p> <p>8 here, but I didn't -- I did not see it.</p> <p>9 Q. Okay. All right. So you could put that away</p> <p>10 now.</p> <p>11 Sheriff, if I may, I'd like to talk a</p> <p>12 little bit about you and your career. First off, where</p> <p>13 do you live?</p> <p>14 A. I live in Tarrant County in the southeast</p> <p>15 portion of the county in a suburb called Dalworthington</p> <p>16 Gardens.</p> <p>17 Q. I'm sorry. Where is that?</p> <p>18 A. Dalworthington Gardens.</p> <p>19 Q. Uh-huh.</p> <p>20 How long have you lived in Tarrant County?</p> <p>21 A. Since 1976.</p> <p>22 Q. Nice.</p> <p>23 And, sir, did you graduate from college?</p> <p>24 A. I did.</p> <p>25 Q. Where did you graduate from?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Dallas Baptist University.</p> <p>2 Q. Approximately when?</p> <p>3 A. 1991.</p> <p>4 Q. Did you obtain a degree there?</p> <p>5 A. Criminal justice degree, yes, sir.</p> <p>6 Q. After obtaining your degree from that college,</p> <p>7 did you obtain any other degrees?</p> <p>8 A. I did from Trinity Seminary College out of</p> <p>9 Indiana --</p> <p>10 Q. Yes.</p> <p>11 A. -- a master's degree there.</p> <p>12 Q. Did you ever spend time in ministry?</p> <p>13 A. Well, lay ministry, I did, in fact, and still</p> <p>14 do.</p> <p>15 Q. Great.</p> <p>16 Is there a particular congregation that you</p> <p>17 serve?</p> <p>18 A. I'm sorry?</p> <p>19 Q. Is there a church or a congregation that you</p> <p>20 serve now?</p> <p>21 A. I do not serve. I'm not on any board currently</p> <p>22 with any churches, but we're involved in fatherless</p> <p>23 campaigns and orphan campaigns.</p> <p>24 THE COURT REPORTER: I'm sorry. I'm having</p> <p>25 a -- I'm having a problem hearing the witness.</p>	<p style="text-align: right;">Page 16</p> <p>1 any work with substance abuse or treatment of</p> <p>2 individuals dealing with substance abuse?</p> <p>3 A. No, sir, I have not done that.</p> <p>4 Q. Okay. So I'd like to talk about your career.</p> <p>5 First, I understand you may have served our</p> <p>6 country in the military?</p> <p>7 A. That is correct, U.S. Air Force.</p> <p>8 Q. Can you tell me about that?</p> <p>9 A. I was active duty in the United States Air</p> <p>10 Force from 1978 to 1982, and then I re- -- went to the</p> <p>11 Air Force Reserves from '91 to '97.</p> <p>12 Q. Okay. And at some point, you went into law</p> <p>13 enforcement, correct?</p> <p>14 A. I did. I did that when I was on active duty in</p> <p>15 1980.</p> <p>16 Q. All right. What was your first job in law</p> <p>17 enforcement?</p> <p>18 A. I was a reserve officer at Pantego Police</p> <p>19 Department here in Tarrant County.</p> <p>20 Q. Is that right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And how long did you server in that role?</p> <p>23 A. I stayed with Pantego until the following</p> <p>24 spring of '81 and joined the Dalworthington Gardens</p> <p>25 Police Department at that point.</p>
<p style="text-align: right;">Page 15</p> <p>1 THE WITNESS: I said we've been involved in</p> <p>2 church-related activities, as far as the fatherless and</p> <p>3 for orphans and advocates for adoption.</p> <p>4 THE COURT REPORTER: Okay. Yeah, I had to</p> <p>5 stop typing because I'm really straining to hear him, so</p> <p>6 whoever's getting the realtime -- I don't know if we can</p> <p>7 possibly move him closer.</p> <p>8 MS. ABSTON: Yeah. Let's go off the record</p> <p>9 for just a minute, and we can get that figured out.</p> <p>10 Does that sound okay?</p> <p>11 THE VIDEOGRAPHER: Absolutely. Time is 18</p> <p>12 a.m. We are -- sorry -- 10:18 a.m. We are off the</p> <p>13 record.</p> <p>14 (Off-record discussion.)</p> <p>15 THE VIDEOGRAPHER: Time is 10:20 a.m. We</p> <p>16 are on the record.</p> <p>17 MR. BOONE: Are we back on? I'm sorry.</p> <p>18 THE VIDEOGRAPHER: Yes, sir, Mr. Boone, we</p> <p>19 are on.</p> <p>20 MR. BOONE: Thank you.</p> <p>21 BY MR. BOONE:</p> <p>22 Q. Sir, after -- before the break, we were talking</p> <p>23 about some of your work with the church, and I was</p> <p>24 curious if you've ever done any work in -- outside of</p> <p>25 your role as sheriff or in law enforcement, ever done</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And I -- I didn't quite hear that last</p> <p>2 police department. Would you say that again?</p> <p>3 A. Dalworthington Gardens Police Department in the</p> <p>4 spring of '81.</p> <p>5 Q. Okay. And that's in Tarrant County, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And how long did you serve with the</p> <p>8 Dalworthington Spring [sic] department?</p> <p>9 A. I served there until I retired in September of</p> <p>10 2015.</p> <p>11 Q. Okay. So nearly 35 years with that department?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And what are some of the roles that you</p> <p>14 served in that department?</p> <p>15 A. I promoted up through the ranks and made</p> <p>16 lieutenant in '83. And in 1984, the City Council, in</p> <p>17 the summer of '84, they appointed me chief of police.</p> <p>18 And then, in 1988, I was appointed chief of public</p> <p>19 safety, which meant that I directed the fire, the</p> <p>20 police, emergency medical services, jail dispatch, and</p> <p>21 emergency management.</p> <p>22 Q. I see.</p> <p>23 And did you serve as that role of chief of</p> <p>24 public safety from 1988 until you retired?</p> <p>25 A. I did.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. So in that role you were in charge not 2 only of the police department, but also, you said, the 3 fire and EMT? 4 A. Yes, sir. 5 Q. Okay. Approximately how many individuals did 6 you have under your supervision when you were serving as 7 chief? 8 A. At its peak we probably had 55 people. 9 Q. And forgive me for not being very familiar with 10 that -- that city. 11 But approximately how many citizens are in 12 the Dalworthington Spring area? 13 A. There's a -- it's -- it's a metropol- -- 14 metropolitan suburb of about 3,000. 15 Q. Okay. We, of course, are here for a case 16 that's touching on substance abuse, specifically opioid 17 use/opioid misuse, and I'm curious if, in your role as 18 Chief, you've encountered that particular issue as Chief 19 of Dalworthington Springs [sic]? 20 A. Absolutely. 21 It's Dalworthington Gardens, by the way. 22 Q. Thank you for the correction. Okay. 23 So tell me how you encountered that issue 24 when you were with that department. 25 A. Well, it was -- it was a daily activity where</p>	<p style="text-align: right;">Page 20</p> <p>1 pharmacies, such as the retail chain pharmacies like 2 Kroger? 3 A. We did not investigate them at Dalworthington 4 Gardens. If we ran across something to that effect, we 5 would always hand that off to our federal partners. 6 Q. Okay. Now, you currently serve as the sheriff 7 of Tarrant County; is that correct? 8 A. Yes. 9 Q. And my understanding is you took office around 10 2017? 11 A. January of '17, yes, sir. 12 Q. Excellent. 13 And how long was -- how long is your term 14 as sheriff? 15 A. Every four years. 16 Q. So you have been re-elected once? 17 A. That is correct. Yes, sir. 18 Q. Okay. And approximately how many employees do 19 you have with the Tarrant County Sheriff's Department? 20 A. We have 1,700 positions or thereabouts. 21 Q. Can you -- I know this is a -- a loaded 22 question. But what are some of the duties of the 23 sheriff department? 24 A. Well, we have several -- several bureaus -- 25 Q. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 officers would arrest people for possession of 2 controlled substance or pharmaceuticals that didn't 3 belong to them. We often ran EMS calls where people had 4 overdosed or had used too much. Those things were 5 pretty routine, if you will. 6 Q. Okay. And what substances were you -- what 7 illicit substances were you encountering or your workers 8 encountering when they would run those calls? 9 A. The illicit substance would be probably 10 methamphetamine, which is cocaine, heroin. 11 But we saw everything from acid to 12 marijuana to the generic stuff, the K2 stuff. We saw 13 all of the -- the whole range of those. 14 Q. Okay. And did you notice any trends with 15 respect to the types of substances that you were seeing 16 with that -- with that city? 17 A. Yeah. Generally, we did see trends of -- you 18 know, in the early days of methamphetamines, of course. 19 We saw trends of different pills that were popular with 20 the youth or -- or a group from different -- different 21 things like that. Marijuana was always in the 22 background doing something. It was, you know, certainly 23 one of the gateways. 24 Q. Okay. Now, while you were with Dalworthington, 25 I'm curious if you ever had to investigate any</p>	<p style="text-align: right;">Page 21</p> <p>1 A. -- and the substance abuse bureau is going to 2 be our detention bureau, and that's our county jail 3 where we have 5,000 beds with an average daily 4 population of about 4,300. 5 And then we have responsibility for 6 judicial. And a lot of that is admin, but it's 7 protection of the court, so the court buildings and so 8 forth and so on. 9 And then we get into patrol. We have 10 regular patrol. We patrol about 77,000 citizens in the 11 unincorporated area. And we have a active, robust 12 criminal investigations team. Then we have a fugitive 13 team that searches out people that hadn't shown up for 14 court and so on and so forth. Then we have auto-theft 15 task force; we have human-trafficking task force; and we 16 have a narcotics task force; and we also have a 17 game-room task force. 18 Q. Now, are there other law enforcement units that 19 serve the citizens of Tarrant County, such as a city 20 police department? 21 MS. ABSTON: Objection, form. 22 You can answer. 23 THE WITNESS: Yes, sir. 24 BY MR. BOONE: 25 Q. Okay. Tell me about those other departments.</p>

<p style="text-align: right;">Page 22</p> <p>1 A. There are 41 municipalities in Tarrant County; 2 39 of them have police agencies. Some of the larger 3 ones are Fort Worth, Arlington. 4 Q. And is there collaboration among these 5 different departments? 6 A. Yes, sir. 7 Q. How so? 8 A. Well, we have -- we're -- we have -- for 9 instance, our auto-theft task force, our 10 human-trafficking task force, all those task forces have 11 embedded officers from other agencies in them. 12 Q. Okay. Do -- 13 A. And -- 14 Q. Are there regular -- no, this is helpful. 15 Are there regular meetings with the 16 leadership of these different agencies? 17 A. Yes, there -- there are quarterly meetings that 18 we meet on and -- a couple of different quarterly 19 meetings. 20 Q. Okay. Now, these other departments, do they 21 have the type of responsibility that the sheriff 22 department has with respects to -- with respect to the 23 jail facilities? 24 MS. ABSTON: Objection, form. 25 You can answer.</p>	<p style="text-align: right;">Page 24</p> <p>1 of that process -- is that our bureau chiefs, they come 2 up with what their needs are as far as equipment and 3 people, and then it's submitted to me, and then I decide 4 if it fits inside the vision, and I either cut it or -- 5 or submit it to our budget office downtown who 6 recommends either against it or for it. And then the 7 final say is the Tarrant County Commissioners Court. 8 Q. Gotcha. 9 And that's the budget and risk management 10 department or office? 11 A. Yes, sir. They -- they are both there 12 together. 13 Q. Okay. All right. 14 And so the monies that you seek you present 15 to the budget risk management office; is that fair? 16 A. Yes, sir. 17 Q. Okay. Can you tell me what CNET is? 18 A. That is our narcotics unit, and that's county 19 narcotics unit. Forgive me. I can't remember what all 20 those acronyms mean, but it's our -- it's our narcotics 21 team. 22 Q. Is it the Combined Narcotics Enforcement Unit? 23 A. There you go, yes, sir. That's it. 24 Q. All right. Okay. 25 And is that unit comprised entirely of</p>
<p style="text-align: right;">Page 23</p> <p>1 THE WITNESS: Not exactly. They have 2 municipal jails, but they're only holding facilities. 3 Once there's determination of probable cause, the 4 prisoner belongs to the sheriff. 5 BY MR. BOONE: 6 Q. Okay. So the sheriff department, among the -- 7 let's -- well, let me start over again. 8 In -- in thinking about these different 9 police agencies, the sheriff of Tarrant County certainly 10 has the greatest responsibility for the holding of 11 prisoners? 12 A. Yes, sir. 13 Q. All right. Approximately how much of your 14 police force budget is dedicated to dealing with jail 15 and custody of prisoners? 16 A. Approximately, probably -- my best guess would 17 be around 65 percent. 18 Q. Thank you. 19 I'm curious if you have any insight into 20 the budget process. When I say "budget process," it's 21 the process by which the sheriff department would 22 attempt to get funds for the next fiscal year. 23 A. I do. 24 Q. Tell me about that process. 25 A. What we do per annum -- and we're in the middle</p>	<p style="text-align: right;">Page 25</p> <p>1 members of your sheriff's department, or are there other 2 agencies that fill that department -- fill that unit? 3 A. Currently, there -- it is us and other 4 agencies. Yes, sir, there's other agencies. 5 Q. What other agencies, if you know? 6 A. Mansfield. The two that I know is, Mansfield's 7 got a -- got a troop in it, and there's another -- 8 Sampson Park has a -- has a officer assigned to them. 9 That's the two that I remember. There might be a couple 10 more, but I can't remember. 11 Q. Gotcha. Okay. 12 Let me -- let me back up just a little bit 13 before we get into CNET. I -- I -- I want to make sure 14 you've had an opportunity to discuss, kind of, your 15 training that's gone into -- to making you the law 16 enforcement leader that you are today. 17 Did you go through any training, let's say, 18 with the FBI? 19 A. I'm a graduate of the FBI National Academy, 20 yes, sir. 21 Q. Can you tell me what that is? 22 A. That is a ten-week program in Quantico that the 23 FBI teaches to police executives and junior executives 24 all over the country and all over the world, actually -- 25 Q. Okay.</p>

<p style="text-align: right;">Page 26</p> <p>1 A. -- is who's there, and it's a broad range of --</p> <p>2 of courses that are taken.</p> <p>3 Q. Okay. Do those courses include training with</p> <p>4 narcotics?</p> <p>5 A. There are courses available for that.</p> <p>6 Q. Do you recall taking courses on narcotics?</p> <p>7 A. I did not take any courses on narcotics when I</p> <p>8 was there.</p> <p>9 Q. Okay. Is there a particular reason why you</p> <p>10 didn't?</p> <p>11 A. When I went through in the early 2000s, it was</p> <p>12 -- terrorism was the hot button.</p> <p>13 Q. Which one -- I'm sorry.</p> <p>14 What was that?</p> <p>15 A. Terrorism --</p> <p>16 Q. Terrorism.</p> <p>17 A. -- was the hot button, and that's where the --</p> <p>18 most of the courses lie.</p> <p>19 Q. I -- I see.</p> <p>20 Was there a particular concern in the</p> <p>21 Tarrant County region that led you to focus on terrorism</p> <p>22 in those course choices?</p> <p>23 A. Well, we felt like that certainly the DFW area</p> <p>24 was a -- was a high target, a high- -- high-value target</p> <p>25 to our enemies at that time, as well as domestic</p>	<p style="text-align: right;">Page 28</p> <p>1 asked this already or if you've answered this already.</p> <p>2 But is CNET completely consumed by Tarrant</p> <p>3 County Sheriff Department, or are there other</p> <p>4 departments that feed into CNET?</p> <p>5 A. We do have other departments in CNET. The</p> <p>6 majority is Tarrant County, but we do have other agency</p> <p>7 -- agencies involved in it.</p> <p>8 Q. Okay. And just -- what are some of the things</p> <p>9 that CNET does?</p> <p>10 A. CNET's mission overall is to interrupt</p> <p>11 mid-level narcotics operations, is what they generally</p> <p>12 do. They do do some street work, but a lot of it is</p> <p>13 mid-level investigations.</p> <p>14 And they collaborate with all of our</p> <p>15 federal partners and city partners and state partners in</p> <p>16 doing so and sometimes collaborate with them on</p> <p>17 different investigations to -- to complete the task.</p> <p>18 Q. Do you know how long CNET has been in</p> <p>19 operation?</p> <p>20 A. It has been in operation as CNET since 2016,</p> <p>21 but that narcotics unit has been here since the late</p> <p>22 '80s.</p> <p>23 Q. Okay. So before it became CNET, that narcotics</p> <p>24 unit was operating but under a different title?</p> <p>25 A. Yeah, exactly, same thing.</p>
<p style="text-align: right;">Page 27</p> <p>1 terrorism, regarding our thoroughfares and -- and the</p> <p>2 people that were here.</p> <p>3 Q. In addition to the FBI National Academy, any</p> <p>4 other training opportunities that you've been able to</p> <p>5 participate in?</p> <p>6 A. Yes, sir. Over my career, I've accumulated</p> <p>7 probably over 5,000 hours of in-service training of</p> <p>8 various and sundry things.</p> <p>9 Q. Okay. Since serving as -- or since becoming</p> <p>10 the sheriff of Tarrant County, have you been able to</p> <p>11 attend any particular training opportunities?</p> <p>12 A. Few very, but yes.</p> <p>13 Q. Yeah. Time is precious, I'm sure.</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. Okay. So I want to go back to --</p> <p>16 to CNET, and the -- the -- kind of the genesis for my</p> <p>17 question is -- is I'd like to understand, you know, who</p> <p>18 you, as sheriff of Tarrant County, partner with to help</p> <p>19 deal with substance abuse issues in Tarrant County.</p> <p>20 So with that, kind of, being the focus</p> <p>21 of -- of my question, is it fair to say that CNET is one</p> <p>22 of those entities that you partner with to -- to help</p> <p>23 deal with substance abuse issues in Tarrant County?</p> <p>24 A. Yes, sir, they are.</p> <p>25 Q. Okay. Is -- is C- -- and forgive me if I've</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. I gotcha.</p> <p>2 And -- and back before it was CNET, that</p> <p>3 narcotics unit was a collaborative unit formed by the</p> <p>4 sheriff's department and other agencies?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. So in addition -- and talking about now,</p> <p>7 like the -- the -- the agencies and units that are in</p> <p>8 play now to deal with substance abuse, in addition to</p> <p>9 CNET, what other units or entities are out there that</p> <p>10 are helping in -- in -- in Tarrant County to deal with</p> <p>11 substance abuse issues?</p> <p>12 A. From an enforcement standpoint, we have both</p> <p>13 state agents and federal agents -- agencies involved,</p> <p>14 and then, obviously, DEA, sometimes FBI --</p> <p>15 Q. Okay.</p> <p>16 A. -- you know, people -- ATF occasionally even</p> <p>17 gets involved, and we also collaborate in involvement</p> <p>18 with the postal service. We're also heavily involved</p> <p>19 with them in regards to delivery of -- of drugs.</p> <p>20 Q. Okay. So, of course, DEA, FBI, ATF, the postal</p> <p>21 service? Anything --</p> <p>22 A. Our municipalities -- I'm sorry.</p> <p>23 Q. But -- yes, sir.</p> <p>24 A. Our municipalities. Our municipalities, of</p> <p>25 course.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. So here in West Virginia, we have a lot 2 of task force -- task forces. Before I became a lawyer 3 here with my firm, I used to work for a judge, and I 4 remember outside the courthouse parking lot, we'd see 5 the task force, kind of, get together before they would 6 do various raids, and these were a task force with this, 7 you know, department and this county department. 8 Are there other task force like that in -- 9 in your area that work together to do things? 10 A. There -- there are federal task force that 11 do -- that we collaborate with, specifically the postal 12 service and DEA. 13 Q. Okay. But there's not a -- a Dallas/Fort Worth 14 drug task force that -- that you're aware of? 15 A. No, sir, not -- not a full metropolitan task 16 force. We do have an interdiction unit made up of eight 17 different sheriffs. 18 Q. Okay. So explain that to me, an interdiction 19 unit. 20 A. These are -- in our cases that -- we have two 21 canine officers who do highway interdiction, along with 22 the eight other counties surrounding us, not including 23 Dallas, is that -- and we reach as far east as Smith 24 County and as far west as Parker County. 25 Q. Uh-huh.</p>	<p style="text-align: right;">Page 32</p> <p>1 federal government does license manufacturers of opioids 2 to manufacture opioids for patient care, correct? 3 A. Yes, sir. 4 Q. All right. And you're aware that the federal 5 government does authorize pharmacies to dispense these 6 medications from licensed prescribers, correct? 7 A. Yes, sir. 8 Q. All right. But we're here today to talk 9 about -- or one of the things we're here to talk about 10 is diversion of -- of controlled substance. And I'm 11 curious if you can help define for me what diversion is 12 in that context. 13 A. Well, the only diversion that we do here is 14 that we have a mental health diversion program instead 15 of coming to jail. That's what we do. 16 Q. Sure. 17 And -- and you are using the word 18 "diversion" correctly. It's -- it's a -- it's a 19 different type of diversion. In my mind, you're 20 describing the diversion that you might provide to a 21 person needing different services. 22 The diversion that I'm speaking of is when 23 a pharmaceutical is diverted to an inappropriate use, 24 right? So if I were to take a medication because it 25 were prescribed to me, but I would give that to someone</p>
<p style="text-align: right;">Page 31</p> <p>1 A. And we -- we have an agreement where we send 2 deputies to them if they have a hotspot, or they send 3 them to us, those kind of things. 4 Q. So that sounds like on an add needed -- 5 as-needed basis? 6 A. Yes. It's -- it does have mission orientation 7 to it where they will -- they will get together at times 8 and just explore if a particular thoroughfare is being 9 used. 10 Q. Okay. I want to turn our attention to 11 prescription opioids for a little bit. 12 You -- it's fair to say that you -- you 13 understand that it is a crime to present a forged 14 prescription to a pharmacist to be filled, correct? 15 A. Oh, absolutely. 16 Q. Okay. And it's a crime to even forge a 17 prescription for a controlled substance and -- and 18 present it to a pharmacist, correct? 19 A. Yes, sir. 20 Q. All right. And is it fair to say it's a crime 21 to obtain an opioid prescription medication from a 22 doctor for the purpose of selling that prescription, 23 giving it away, correct? 24 A. Yes, sir. 25 Q. All right. Now, you also understand that the</p>	<p style="text-align: right;">Page 33</p> <p>1 that it wasn't prescribed to, that would be diversion. 2 Have you heard of it used in that concept 3 before? 4 MS. ABSTON: Objection, form. 5 You can answer. 6 BY MR. BOONE: 7 Q. Yeah. Go ahead. 8 A. I've never heard it in quite that type of form. 9 Of course, we've seen that happen, but -- 10 Q. Sure. 11 A. -- absolutely not described that way. 12 Q. Okay. I'm curious if -- in your capacity as 13 sheriff department, have you investigated individuals 14 that were accused of taking medications and selling them 15 on the open market? 16 A. Yes, sir. 17 Q. Okay. Have you ever had the opportunity or 18 ever had the need to investigate Kroger Pharmacy for 19 inappropriately dispensing medications? 20 A. Personally not aware of an investigation of 21 Kroger. 22 Q. Okay. Is that true for any retail pharmacy? 23 A. That is true. 24 MS. ABSTON: Objection, form. 25 You can answer.</p>

<p style="text-align: right;">Page 34</p> <p>1 THE WITNESS: That is true.</p> <p>2 BY MR. BOONE:</p> <p>3 Q. All right. Now, it is fair to say you're not a</p> <p>4 physician, correct?</p> <p>5 A. That -- that's correct.</p> <p>6 Q. And you're also not a pharmacist, correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. You're not here to give any</p> <p>9 opinions about what the appropriate dispensing practices</p> <p>10 should be for a pharmacy, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. I'm curious though, if you've ever had the</p> <p>13 opportunity to work with a pharmacy or pharmacist in the</p> <p>14 investigation of a crime?</p> <p>15 A. We -- I haven't directly. Our teams have.</p> <p>16 With the -- we have a specific pharmacy -- we have a</p> <p>17 pharmacy in our jail that we work with --</p> <p>18 Q. Okay.</p> <p>19 A. -- regularly.</p> <p>20 Q. I'm sorry. I -- I didn't mean to interrupt</p> <p>21 you.</p> <p>22 You were saying you have a pharmacy in your</p> <p>23 jail?</p> <p>24 A. We have a pharmacy in our jail that we work</p> <p>25 with every day when people try to, as you said, divert</p>	<p style="text-align: right;">Page 36</p> <p>1 and it's connected to another facility that houses</p> <p>2 another 400 and a third facility connected to it to --</p> <p>3 for another 400.</p> <p>4 Q. Okay. So I -- I wrote down 1,600. It's</p> <p>5 connected to another 400-unit, which is connected to</p> <p>6 another 400-unit, correct?</p> <p>7 A. That is correct.</p> <p>8 Q. All right. So my math, it's 2,400 prisoners,</p> <p>9 approximately?</p> <p>10 A. Right there. But it serves the entire</p> <p>11 population. We have another 1,600 prisoners in a whole</p> <p>12 different facility, and they serve that population also.</p> <p>13 Q. Okay. So we're talking around 4,000 -- a</p> <p>14 population of 4,000?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And are these prisoners -- and forget --</p> <p>17 if -- this speaks to my ignorance here.</p> <p>18 But are these prisoners that are awaiting</p> <p>19 to be tried, or are these prisoners that have been</p> <p>20 convicted and are serving out a sentence?</p> <p>21 A. Majority waiting to be tried, but some serving</p> <p>22 sentences, and some waiting to go to prison.</p> <p>23 Q. Okay. So these are individuals that could be</p> <p>24 there anywhere for a day to, what, a year?</p> <p>25 A. Or three.</p>
<p style="text-align: right;">Page 35</p> <p>1 things.</p> <p>2 Q. Okay. Does that pharmacy in your jail dispense</p> <p>3 controlled substances?</p> <p>4 A. I don't think so. I'd have to double-check.</p> <p>5 Q. Okay. All right.</p> <p>6 And are there pharmacists -- I presume</p> <p>7 there are pharmacists that work that pharmacy?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And the patients for that pharmacy would</p> <p>10 be the inmates and individuals in custody?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. Do you know how long the sheriff</p> <p>13 department has had a pharmacy as part of its jail</p> <p>14 facilities?</p> <p>15 A. I believe it's been there for the last six</p> <p>16 years.</p> <p>17 Q. Okay. And -- and where is that pharmacy</p> <p>18 located? What -- what -- within what facility is that</p> <p>19 pharmacy located?</p> <p>20 A. It's located in our correction facility, our --</p> <p>21 our Tarrant County correction facility.</p> <p>22 Q. How big is the Tarrant County correction</p> <p>23 facility?</p> <p>24 A. Well, the total -- the total group is, is that</p> <p>25 it houses -- that facility houses over 1,600 prisoners,</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. So it's important to make sure these</p> <p>2 inmates are provided any medical care that they should</p> <p>3 be provided during their time in your custody, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And that's why we have a pharm- -- you have a</p> <p>6 pharmacy to ensure appropriate patient care?</p> <p>7 A. That is correct.</p> <p>8 Q. All right. As the head of the sheriff's</p> <p>9 department, as the sheriff, do you meet with or</p> <p>10 coordinate with anyone regarding the pharmacy practices?</p> <p>11 A. No, sir, I do not. I -- that -- that is</p> <p>12 delegated to our jail chiefs.</p> <p>13 Q. Okay. So who are your jail chiefs?</p> <p>14 A. That would be -- Charles Eckert is our -- our</p> <p>15 executive chief over there. He'd be running the jail.</p> <p>16 He has two other chiefs that report to him, Henry Reyes</p> <p>17 and Glen Richardson.</p> <p>18 Q. Forgive me, sir. I wrote down Charles Eckert.</p> <p>19 Who was the other person?</p> <p>20 A. Chief Henry Reyes --</p> <p>21 Q. Okay.</p> <p>22 A. -- and Chief Glen Richardson.</p> <p>23 Q. All right. Do you know if the pharmacies</p> <p>24 provide buprenorphine or -- let me just stop there.</p> <p>25 Do you know if the -- if your pharmacies</p>

<p style="text-align: right;">Page 38</p> <p>1 dispense buprenorphine?</p> <p>2 A. Not familiar with that all.</p> <p>3 Q. Okay. Do you know if your pharmacies prescribe</p> <p>4 medications that, among the various treatment, can</p> <p>5 provide for withdrawal symptoms from opioid use?</p> <p>6 MS. ABSTON: Objection, form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: They do treat opioid</p> <p>9 withdrawal. What drugs they use, I am not familiar</p> <p>10 with.</p> <p>11 BY MR. BOONE:</p> <p>12 Q. Thank you for that.</p> <p>13 Are you aware of the types of services that</p> <p>14 the corrections facility -- your jail facility provides</p> <p>15 with respect to individuals who may have substance abuse</p> <p>16 issues?</p> <p>17 A. The agencies that we have to assist with manage</p> <p>18 our mental health folks. We also have Narcotics</p> <p>19 Anonymous in the jail that meet there on a regular</p> <p>20 basis, and then, of course, John Peter Smith Hospital</p> <p>21 staff that is there from a medical end of it. That</p> <p>22 would be the agencies. And we allow --</p> <p>23 Q. Sir -- yes, sir.</p> <p>24 A. And we allow lay -- lay ministry in to do</p> <p>25 counsel.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Understood.</p> <p>2 THE WITNESS: There we go.</p> <p>3 MS. ABSTON: Sorry. We had a little bit of</p> <p>4 technical difficulties. Hold on one second.</p> <p>5 I think we've gotten it taken care of. You</p> <p>6 can continue.</p> <p>7 THE WITNESS: Did -- did we lose audio?</p> <p>8 Are we good?</p> <p>9 MR. BOONE: Yep, I can hear you fine. Can</p> <p>10 you hear me?</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 MS. ABSTON: Got it. We're good.</p> <p>13 MR. BOONE: All right. Thank you.</p> <p>14 BY MR. BOONE:</p> <p>15 Q. So I'm thinking back to the fact that, I</p> <p>16 believe, you testified you became the sheriff in 2017,</p> <p>17 January 2017, and if I remember your testimony correctly</p> <p>18 about the pharmacy in the corrections facility, was</p> <p>19 the -- let me -- let me step back.</p> <p>20 Was the pharmacy already in the jail system</p> <p>21 before you became sheriff, or is that something you</p> <p>22 initiated when you became sheriff?</p> <p>23 A. Yeah. For clarification, it -- it was here</p> <p>24 when I got here --</p> <p>25 Q. Thank you. Okay.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Excellent.</p> <p>2 Okay. So I wrote down a mental health</p> <p>3 agency; I wrote down Narcotics Anonymous; I wrote down</p> <p>4 you have a hospital staff and -- and lay ministries.</p> <p>5 As far as the mental health agency, is that</p> <p>6 mental health agency a subset of the sheriff department,</p> <p>7 or is that agency from outside of a sheriff department</p> <p>8 that comes in and provides services?</p> <p>9 A. They are described as outside services that</p> <p>10 come in. They're under our control, but they are a</p> <p>11 Tarrant County mental health agency.</p> <p>12 Q. Would you, by any chance, know what department</p> <p>13 would be over the mental health agency that comes in and</p> <p>14 services the -- the jail?</p> <p>15 A. They are their own entity.</p> <p>16 Q. Okay.</p> <p>17 A. And they -- yes, sir.</p> <p>18 Q. As far as the types of services that this</p> <p>19 agency provides to the inmate population, can you</p> <p>20 describe the type of services that it would provide?</p> <p>21 A. The full range of mental health issues from</p> <p>22 psychotic to counseling on different issues. They also</p> <p>23 have the ability to write -- you know, the psychiatrists</p> <p>24 over there, they can write prescriptions. They can do</p> <p>25 all those type of things.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. -- that program, they could've approved it with</p> <p>2 machinery and that kind of thing. But, yes, it's -- it</p> <p>3 was here.</p> <p>4 Q. Great.</p> <p>5 I'm -- I want to get to some of the things</p> <p>6 that -- that you were able to do and improve when you</p> <p>7 came to your position as sheriff. I was going to save</p> <p>8 that for later, but let me go ahead and -- and -- and</p> <p>9 cover that now.</p> <p>10 I -- I understand when you took over as</p> <p>11 sheriff, you took over because you felt you could have</p> <p>12 provided some improvements to the sheriff department; is</p> <p>13 that fair?</p> <p>14 A. That's fair, yes, sir.</p> <p>15 Q. Okay. What were some of the things that you</p> <p>16 did to improve the sheriff's department when you took</p> <p>17 over?</p> <p>18 A. Well, one of the things is, is that we did --</p> <p>19 as far as the jail was concerned, we opened that up to</p> <p>20 more lay ministry that could come in and more</p> <p>21 counseling. We also created several reentry programs</p> <p>22 that -- that we're very proud of, and they're doing well</p> <p>23 in, the people that go through it. And they're from</p> <p>24 faith-based to financial to -- to how to survive in the</p> <p>25 world, all those type of things. And we're excited</p>

<p style="text-align: right;">Page 42</p> <p>1 about the expansion of it, but we're very excited about 2 the success of it. 3 We created it in the jail specifically a 4 veterans' program where we had vets in the jail that 5 could -- we found that it -- if we put those guys 6 together, that they fed off of each other for good, and 7 that has been an incredibly successful program where 8 those people have gone back and become great 9 contributing citizens. And we're starting to arrive on 10 that three- and four-year mark, which the criminal 11 justice people look at. 12 Over on operations side, we created a 13 human-trafficking unit; we created an intelligence 14 bureau; we created a game-room unit to go after those, 15 and -- and we also went back after DWI task force. 16 That's a few of the things that we've done. And a 17 combined SWAT team. 18 Q. I think I read somewhere that you were very 19 cognizant of your requirements under the law to be the 20 one to transport criminals or something along those 21 lines, and -- and that led to, really, an increase in 22 that responsibility. 23 Do -- do you know what I'm talking about? 24 And if so, can you help me out here? 25 A. I think --</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. I see. 2 And so when we talk about your budget and 3 resources being almost 60-something percent earmarked 4 for the housing of prisoners, it's, in part, because of 5 this program; is that correct? 6 MS. ABSTON: Objection, form. 7 THE WITNESS: Yes. 8 MR. BOONE: Okay. I'm getting ready to 9 start a different topic altogether. Do you want to take 10 a short break? 11 THE WITNESS: That would be great. 12 MS. ABSTON: Yes, that works great. Maybe 13 a ten-minute break? 14 MR. BOONE: That'd be great. 15 MS. ABSTON: Okay. 16 THE VIDEOGRAPHER: All right. Time is 17 10:58 a.m. We are off the record. 18 (Brief recess taken.) 19 THE VIDEOGRAPHER: Time is 11:15 a.m. We 20 are on the record. 21 BY MR. BOONE: 22 Q. Sheriff, have you been able to take a short 23 break? 24 A. I have. Thank you. 25 Q. Okay. Are you ready to resume?</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. ABSTON: Objection -- objection, form. 2 You can answer. 3 BY MR. BOONE: 4 Q. It's okay. Go ahead. Go ahead. 5 A. It's -- when we got here -- you know, I had 6 been a police chief in the county for 30 years prior to 7 that -- we were the only county in Texas where we would 8 not receive prisoners until a case -- criminal case was 9 filed with the district attorney and approved, and that 10 put a undue burden on cities where the law was clear 11 that, once probable cause was found to confine somebody, 12 that prisoner belonged to the sheriff. 13 So what we did is we went back and obeyed 14 the law, if I may say that -- 15 Q. Uh-huh. 16 A. -- and -- and we said that we're going to take 17 prisoners when we're supposed to and take that burden 18 off the cities -- the cities, and that's what we've 19 done. 20 Q. I see. 21 A. And so I think we just we reorganize and make 22 sure we get them. And we visit these communities all 23 the time. We have a pick-up program where we go by and 24 pick up their prisoners and bring them to jail within 25 24 hours.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I am, sir. 2 Q. Now, during our last session, we talked about 3 your prior history and current history as a law 4 enforcement officer. 5 If my notes are correct, you started 6 serving as the chief of the Dalworthington Gardens in 7 1988, correct? 8 A. Chief of public safety in '88, yes, sir. 9 Q. Correct. 10 Chief of public safety in 1988, which had 11 visibility both as the department chief of police, as 12 well as the EMT department and the fire department for 13 that city, correct? 14 A. That is correct. 15 Q. Okay. So you were in a leadership position 16 with that city in 1988 forward, correct? 17 A. Yes, sir. 18 Q. And then, in 2017, you became the sheriff of 19 Tarrant County, correct? 20 A. Yes, sir. 21 Q. So is it fair to say that, in those roles, 22 you've had visibility into the illicit drug problem 23 affecting Tarrant County? 24 A. Yes, sir. 25 Q. All right. I want to talk to you about a group</p>

<p style="text-align: right;">Page 46</p> <p>1 or an agency called the High Intensity Drug Trafficking 2 Agency [sic]. 3 Are you familiar with that? 4 A. I am familiar with HIDTA. 5 Q. Okay. So if I refer to it as HIDTA during this 6 question, you'll know what I'm speaking about, correct? 7 A. Correct. 8 Q. All right. What is HIDTA? 9 A. Well, HIDTA is a conglomerate of -- of agencies 10 that -- that work together to deconflict narcotics 11 operations. We have a chair at the table of that 12 organization, and it's represented by our Senior Chief 13 Calvin Bond. 14 Q. I'm sorry. Say that again, please. You have a 15 -- 16 A. We have a chair at the policy table -- 17 Q. Uh-huh. 18 A. -- and it -- it is represented by our Senior 19 Chief Calvin Bond. 20 Q. And that's -- oh, a senior chief with your 21 department -- the department of Tar- -- Tarrant County? 22 A. Yes, sir. 23 Q. Okay. Is -- what are some of the things that 24 HIDTA does? 25 A. Well, to be quite honest with you, I -- I -- I</p>	<p style="text-align: right;">Page 48</p> <p>1 seen in -- in your role as a law enforcement officer. 2 Okay? 3 A. Okay. 4 Q. So, first, let's look at Exhibit No. 2. If you 5 pull up that envelope, please. 6 A. (Witness complies.) 7 MR. BOONE: If the concierge would go ahead 8 make that Exhibit 2, go ahead and publish that. 9 MS. ABSTON: Aaron, can you give us some 10 time to look through the full exhibit so we don't have 11 to verify any ongoing investigations, if we can just 12 look through it for a moment. 13 MR. BOONE: Okay. 14 CONCIERGE: And, Counsel, that's been 15 introduced. 16 MR. BOONE: Thank you. 17 (Exhibit 2 was marked for identification.) 18 MR. BOONE: Counsel, is it going to be the 19 case that in any of these HIDTA reports, the Sheriff is 20 going to need to review them to make sure there's no 21 ongoing investigations mentioned? 22 MS. ABSTON: Yes. We're going -- we're 23 going to need to check any documents you put in front of 24 him just to verify if there's any ongoing investigations 25 or anything that we're -- we're not going to speak about</p>
<p style="text-align: right;">Page 47</p> <p>1 don't keep up with a lot of what they do, other than I 2 know they deconflict. If an agency is working a case, 3 they can call HIDTA and say: This is who we're looking 4 at. This is what we're looking at. Is there anybody 5 else working this so we don't overlap or run in -- or 6 for safety problems? 7 They also have investigators in -- in there 8 that they -- in -- from all -- several other agencies 9 that are also working cases that they will work all over 10 the metroplex and all over North Texas. 11 Q. Okay. 12 A. That -- that's what our HIDTA does. 13 Q. Is it fair to say they seek to address 14 drug-trafficking threats within the State of Texas? 15 A. That's very well put. 16 Q. All right. And are you aware of HIDTA 17 authoring reports on, perhaps, a yearly basis to, kind 18 of, capture what HIDTA is seeing in the State of Texas 19 with respect to those threats? 20 A. You know, I think that they do issue reports. 21 Quite frankly, I have not reviewed one anytime soon. 22 Q. Okay. What I'd like to do is go through some 23 of these reports, because these reports do give 24 snapshots of what HIDTA is seeing. I'm curious if -- if 25 what they are seeing is consistent with what you have</p>	<p style="text-align: right;">Page 49</p> <p>1 today. 2 MR. BOONE: Oh, okay. All right. 3 My apologies. I -- I wasn't aware on the 4 front end that we would need to do that, and I -- I 5 don't mean to take up his time or your time. 6 I've got one, two, three, four, five -- 7 five of those reports that I want to discuss. If you'd 8 like, we can open them all up and go off record and let 9 him take a look -- 10 MS. ABSTON: Yes. 11 MR. BOONE: -- and then come back on 12 record. 13 MS. ABSTON: I think that'd be a great 14 idea. Do you want to tell me which exhibits they're 15 going to be or what envelopes? 16 (Simultaneously speaking.) 17 MR. BOONE: Yes. 18 MS. ABSTON: Okay. Go ahead. 19 MR. BOONE: It'll be Envelopes 2, 3, 4, 5, 20 and 6. 21 MS. ABSTON: Okay, great. 22 Give us just a moment, and we'll look at 23 those. 24 MR. BOONE: Let's go off record. 25 THE VIDEOGRAPHER: All right. Time is</p>

<p style="text-align: right;">Page 50</p> <p>1 11:22 a.m., and we are off the record. 2 (Brief recess taken.) 3 THE VIDEOGRAPHER: Time is 11:28 a.m. We 4 are on the record. 5 BY MR. BOONE: 6 Q. All right. Sheriff Waybourn, during the break, 7 you had an opportunity to review several reports from 8 HIDTA. Did you have a chance to skim through those 9 reports? 10 A. I did, indeed, yes, sir. 11 Q. Okay. Now, of the reports that I have provided 12 to you and your counsel for potential questioning today, 13 are there any concerns that those reports mention 14 ongoing investigations? 15 A. I have no concerns at this point. 16 Q. Great. 17 So we can proceed? 18 A. Yes, sir. 19 Q. Thank you. 20 Let's look now at Exhibit 2. 21 MR. BOONE: Concierge, you can go ahead and 22 publish that. 23 CONCIERGE: (Complied.) 24 BY MR. BOONE: 25 Q. So if you would take a look at the first page</p>	<p style="text-align: right;">Page 52</p> <p>1 international drug trafficking networks that receive 2 drug loads originating within Mexico. 3 Did I read that correctly? 4 A. You did. 5 Q. All right. Is this statement consistent with 6 your memory of the state of narcotics -- 7 A. Yes. 8 Q. -- in 2013? 9 A. Yes, sir. 10 Q. All right. Perhaps you could elaborate for the 11 record what is meant by "drug trafficking networks that 12 originate within Mexico." 13 A. I believe they are specifically referring to 14 the drug cartels, bridge cartels of Mexico, that bring 15 drugs into the United States. 16 Q. Okay. And what is a cartel? 17 A. Cartel is an organized criminal organization in 18 Mexico that generally has a specific territory in which 19 they operate. 20 Q. Okay. And the -- the Mexican drug cartels are 21 smuggling in illegal narcotics into the United States; 22 is that correct? 23 A. Yes, sir. 24 MS. ABSTON: Objection, form. 25 BY MR. BOONE:</p>
<p style="text-align: right;">Page 51</p> <p>1 of Exhibit 2, can you read what that first page says? 2 A. We are talking about the cover sheet, "North 3 Texas HIDTA 2013 Strategy"? 4 Q. Correct. 5 All right. Now, I'm going to present to 6 you on the screen in front of you the document that's 7 also printed in hard copy. So whatever is more 8 comfortable for you to review, feel free to do that. 9 Now, we mentioned a moment ago that HIDTA 10 is the High Intensity Drug Trafficking Agency, correct? 11 A. Correct. 12 Q. All right. Now, this report is noted as being 13 prepared in June of 2012. Do you see that on the first 14 page? 15 A. Yes, sir. 16 Q. And it's entitled "For the 2013 Strategy"; is 17 that correct? 18 A. That is correct. 19 Q. All right. I'm going to direct your attention 20 to the first page, and under the section entitled 21 "Threat Assessment," I've highlighted a sentence in the 22 middle of this paragraph, and this sentence reads as 23 follows: The most notable threat-related reports 24 include the continued use of the Dallas/Fort Worth 25 Metroplex as a command and control center for</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Are the Mexican drug cartels smuggling in 2 heroin? 3 A. Yes, sir. 4 Q. And is it your opinion that heroin can lead to 5 addiction? 6 A. Yes, sir. 7 Q. I'm going to turn now to page 2. This is, 8 again, still under that "Threat Assessment" category, 9 but on page 2, I've highlighted a sentence at the top. 10 It reads: Methamphetamine, marijuana, and 11 heroin have been reported by NT HIDTA Partner Agencies 12 as the most significant drug threats in the NT HIDTA 13 AOR. 14 Question: Is that statement consistent 15 with your memory an experience as a law enforcement 16 officer in 2013? 17 MS. ABSTON: Objection, form. 18 You can go ahead. 19 THE WITNESS: Yes, sir. 20 BY MR. BOONE: 21 Q. Okay. In this report, it talks about 22 Performance Management Process, PMP. Do you have any 23 familiarity with HIDTA's use of the Performance 24 Management Process? 25 A. I have no -- no memory of that, no idea.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q. Okay. That's fine. Okay.</p> <p>2 All right. So now I'm going to have you</p> <p>3 turn to the next page of this report on page 3.</p> <p>4 Okay. Now, at the very beginning of the</p> <p>5 first full paragraph on this page, we see a sentence</p> <p>6 that states: Diverted Pharmaceuticals are another</p> <p>7 growing threat -- threat, perhaps second only to</p> <p>8 methamphetamine. Common diversion methods for all</p> <p>9 controlled substances include prescription forgeries,</p> <p>10 Internet pharmacies, doctor shopping, pharmacy thefts,</p> <p>11 registrants using or selling controlled substances,</p> <p>12 theft or misuse of prescriptions, and illegal smuggling</p> <p>13 from foreign countries.</p> <p>14 Did I read that correctly?</p> <p>15 A. You did.</p> <p>16 Q. Okay. Is this consistent with your</p> <p>17 recollection from 2013?</p> <p>18 A. Yes, sir.</p> <p>19 Q. You can put Exhibit 2 away.</p> <p>20 And let's pull out Exhibit 3, please.</p> <p>21 MR. BOONE: Concierge, if you can publish</p> <p>22 Exhibit 3.</p> <p>23 CONCIERGE: (Complied.)</p> <p>24 (Exhibit 3 was marked for identification.)</p> <p>25 BY MR. BOONE:</p>	<p style="text-align: right;">Page 56</p> <p>1 (Exhibit 4 was marked for identification.)</p> <p>2 BY MR. BOONE:</p> <p>3 Q. All right. And the first page has the seal of</p> <p>4 the High Intensity Drug Trafficking Area, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Now, I see here it's called the Texoma HIDTA?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Is -- what is the Texoma HIDTA?</p> <p>9 A. That -- that's our North Texas HIDTA --</p> <p>10 Q. Okay.</p> <p>11 A. -- that's here in North Texas.</p> <p>12 Q. So it's the same entity that produced the</p> <p>13 report that we read just a moment ago, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. All right. And this is entitled the "2016</p> <p>16 Strategy," correct?</p> <p>17 A. That is correct.</p> <p>18 Q. All right. So if you could turn to page 3,</p> <p>19 under the Executive Summary, the second paragraph, the</p> <p>20 first sentence reads as follows: The overall drug</p> <p>21 trafficking threat to the Texoma HIDTA region remains</p> <p>22 stable. Law enforcement and intelligence data clearly</p> <p>23 indicates methamphetamine poses the most significant</p> <p>24 drug threat to the region as North Texas and Oklahoma</p> <p>25 are flooded with cheap, high-purity methamphetamine</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. All right. Can you read to me what the first</p> <p>2 page of Exhibit 3 says?</p> <p>3 A. "North Texas HIDTA 2014 Strategy."</p> <p>4 Q. Okay. And this appears to have been authored</p> <p>5 or produced in June of 2013, correct?</p> <p>6 A. Correct.</p> <p>7 Q. All right. I want to direct your attention to</p> <p>8 page 5. And right above this section entitled "Outlook"</p> <p>9 is a paragraph whose last sentence reads as follows:</p> <p>10 Methamphetamine, marijuana, and heroin are reported as</p> <p>11 the most significant drug threats in the region.</p> <p>12 Is that consistent with your recollection</p> <p>13 of this time frame?</p> <p>14 MS. ABSTON: Objection, form.</p> <p>15 You can answer. You can answer.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. BOONE:</p> <p>18 Q. Thank you.</p> <p>19 Now, this says here: Mexican/Hispanic DTOs</p> <p>20 and Caucasian DTOs are reported as the most significant</p> <p>21 trafficking threats in the region.</p> <p>22 What is a DTO?</p> <p>23 A. I am not familiar with that term.</p> <p>24 Q. Okay. Thank you.</p> <p>25 All right. Let's go to Exhibit 4, please.</p>	<p style="text-align: right;">Page 57</p> <p>1 produced in Mexico.</p> <p>2 Is that sentence consistent with your</p> <p>3 recollection of this time frame, 2015?</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. BOONE:</p> <p>7 Q. Now, it goes on to say that: Prescription</p> <p>8 drugs, heroin, synthetic cannabinoids, cocaine/crack</p> <p>9 cocaine, and marijuana also pose a significant threat to</p> <p>10 communities throughout the Texoma HIDTA region.</p> <p>11 Do you know specifically which prescription</p> <p>12 drugs are referenced here?</p> <p>13 A. The ones that I would be familiar with that I</p> <p>14 recall would be -- be your painkiller-type drugs, and</p> <p>15 that -- they're narcotics.</p> <p>16 Q. Gotcha.</p> <p>17 Now, are the Mexican cartels pressing --</p> <p>18 let me ask you: What is pressing of a pill?</p> <p>19 A. Well, today, as we know it, is that that's</p> <p>20 where they take their own chemicals, a lot of fentanyl</p> <p>21 in this issue, and they have pill presses, and they want</p> <p>22 to make them look like pharmaceutical drugs. And they</p> <p>23 do have that technology, and they are used.</p> <p>24 Q. Okay. So the types of prescription -- sorry.</p> <p>25 The types of drugs that are pressed include</p>

<p style="text-align: right;">Page 58</p> <p>1 drugs that look like pharmaceutical prescription drugs, 2 correct? 3 A. Yes. 4 Q. All right. I'd like for you to go to page -- 5 okay. Let's go to page 6 of this report. And towards 6 the bottom of this page, we see a figure entitled "Major 7 Drugs Trafficked in the Texoma HIDTA AOR." 8 Do you see that? 9 A. What page are you on again? 10 Q. I'm on page 6. 11 A. Of -- is that Exhibit 4? 12 MS. ABSTON: What's the -- yeah. Do you 13 have a Bates number, maybe, Aaron? 14 MR. BOONE: Yes, Bates 259 -- 15 MS. ABSTON: Okay. Hold on. Wait -- our 16 -- our Exhibit 4 only goes to page 163. 17 MR. BOONE: Oh, I'm sorry. I'm on the 18 2017. 19 THE WITNESS: Oh, I see. 20 (Simultaneously speaking.) 21 MR. BOONE: Yeah. So let's pull out 22 Exhibit 5, please. 23 THE WITNESS: Okay. 24 MR. BOONE: So if we can publish Exhibit 5, 25 sir.</p>	<p style="text-align: right;">Page 60</p> <p>1 section "Pharmaceuticals" -- well, let me -- let me step 2 back. 3 Number 3, "Pharmaceuticals," it states: 4 The diversion of pharmaceutical drugs continues to be a 5 significant drug threat to the Texoma HIDTA region. 6 Did I read that correctly? 7 A. Yes, sir. 8 Q. Okay. Now, the second paragraph states: 9 Pharmaceutical diversion is often erroneously viewed as 10 white-collar drug crime because of the misperception 11 that its violators consists largely of professionals, 12 such as physicians, pharmacists, and clinics. 13 Did I read that correctly? 14 A. You did. 15 Q. Okay. It goes on to read: However, the 16 pill-mill operation is a thinly veiled organized 17 criminal enterprise that increasingly results in the 18 street-level distribution of powerful controlled 19 substances by the same violent criminal organizations 20 that distribute crack cocaine, heroin, methamphetamine, 21 other controlled substances. 22 Are you familiar with a pill mill? 23 A. I've -- I've heard the term, yes, sir. 24 Q. Okay. What is your understanding of what a 25 pill mill is?</p>
<p style="text-align: right;">Page 59</p> <p>1 CONCIERGE: (Complied.) 2 THE WITNESS: Okay. I'm there. 3 (Exhibit 5 was marked for identification.) 4 BY MR. BOONE: 5 Q. Okay. So on Exhibit 5 -- and, again, we'll go 6 to Bates Number Texoma_HIDTA_259; it's page 6 of this 7 report. 8 And, again, this report is dated 2016 HIDTA 9 Strategy [sic]. Do you see the table entitled "Major 10 Drugs Trafficked in the Texoma HIDTA"? 11 A. Yes, sir. 12 Q. Okay. Could you read the six drugs identified 13 there? 14 A. Yes, sir. One is methamphetamine; two is 15 heroin; three, controlled pharmaceutical drugs; four, 16 synthetic cannabinoids or opioids; number five is 17 cocaine/crack cocaine; and number six is cannabis. 18 Q. All right. So if we scroll down to the section 19 that talks about pharmaceuticals, we find that that 20 section is found on page 19, which is Texoma_HIDTA_0272. 21 Can you go there, please? 22 A. Yes, sir. 23 Q. Page 19. 24 A. We're there. 25 Q. All right. The second paragraph under the</p>	<p style="text-align: right;">Page 61</p> <p>1 A. That is where someone is -- is literally making 2 drugs and -- and trying to sell them, making -- looking 3 -- pharmaceutical drugs and those type things or -- 4 Q. Now -- 5 A. -- covertly or illegally. 6 Q. Go ahead. 7 A. Covertly or illegally. 8 Q. Okay. Is it fair to say that retail pharmacies 9 are not part of this pill-mill concept that you're 10 speaking to? 11 MS. ABSTON: Objection, form. 12 You can answer. 13 BY MR. BOONE: 14 Q. You can answer. 15 A. Yes. 16 Q. Is that correct? 17 A. Yes. In my limited knowledge of that, yes. 18 Q. Retail pharmacies are not included in the 19 concept of pill mill, correct? 20 MS. ABSTON: Objection, form. 21 THE WITNESS: That is my understanding. 22 BY MR. BOONE: 23 Q. Okay. All right. We are now on page 24. 24 Are you there at 24? 25 A. Yes, sir, we're here.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. Okay. There's a section entitled "Synthetic 2 Opioids." 3 Do you see that? 4 A. I do. 5 Q. Generally speaking, what is your understanding 6 of synthetic opioids? 7 A. It is -- as put in the analysis, that would be, 8 like, fentanyl or a type -- type of drug that imitates 9 opioids. 10 Q. Gotcha. 11 And these are not substances that are 12 dispensed by retail pharmacies, such as Kroger, correct? 13 A. I have no -- 14 MS. ABSTON: Objection, form. 15 You can answer. 16 THE WITNESS: I have no idea. 17 BY MR. BOONE: 18 Q. Okay. So let me ask you -- let's read here: 19 There are two main sources for synthetic opioids in the 20 region, Mexican DTOs who are increasingly trafficking 21 bulk fentanyl alongside other drugs like cocaine, 22 methamphetamine, heroin, and independent DTOs who obtain 23 the drug from sources in China and other countries 24 through negotiations and purchases over the Dark Web and 25 Internet sources.</p>	<p style="text-align: right;">Page 64</p> <p>1 (Exhibit 6 was marked for identification.) 2 MS. ABSTON: And just to clarify, Defense 3 Exhibit 5 is the 2017 Threat Assessment? 4 MR. BOONE: That is correct. 5 MS. ABSTON: Thank you. 6 BY MR. BOONE: 7 Q. And the 2016 -- sorry. Exhibit No. 6 is the 8 2018 HIDTA Threat Assessment. 9 Do you see page 1, Sheriff? 10 A. Yes, sir. 11 Q. Okay. All right. And, again, that first page 12 for Exhibit 6 is the Texoma HIDTA 2018 Threat 13 Assessment, correct? 14 A. Yes, sir. 15 Q. All right. If you would turn to page 13 of 16 Exhibit 6. 17 A. Yes, sir. 18 Q. Under the section "Fentanyl/Other Synthetic 19 Opioids": Over the past year, law enforcement has 20 encountered fentanyl, fentanyl analogs, carfentanil, and 21 other synthetic opioids throughout Texas. On the whole, 22 illicitly produced and/or diverted fentanyl has been 23 encountered less frequently than in several other 24 regions of the country, with the majority of law 25 enforcement agencies responding to the National Drug</p>
<p style="text-align: right;">Page 63</p> <p>1 Now, is this statement consistent with your 2 memory and experience as a law enforcement officer in 3 around 2- -- 2017? 4 MS. ABSTON: Objection, form. 5 THE WITNESS: It is my memory, yes. 6 BY MR. BOONE: 7 Q. Okay. If you can go to page 13, please. 8 And that should be Bates Number HIDTA_359; 9 is that correct? 10 A. Wait a minute. No, it's not in mine. Is this 11 -- are we still in Exhibit -- 12 Q. Hold on one second. 13 MS. ABSTON: Yeah, I think we might -- are 14 you talking -- 15 THE WITNESS: -- 5? 16 MS. ABSTON: Oh, no. I think you may be 17 talking about Exhibit -- potentially Exhibit 6, Aaron. 18 Is that -- 19 MR. BOONE: Yes. Thank you. 20 Okay. So we're now at Exhibit 6. If you 21 want to pull that out, please. 22 THE WITNESS: Yes, sir. 23 MR. BOONE: And you can publish that one, 24 Concierge. 25 CONCIERGE: (Complied.)</p>	<p style="text-align: right;">Page 65</p> <p>1 Threat Assessment Survey reporting that fentanyl 2 availability as moderate, low, or not available. 3 However, nearly half of the agencies identified fentanyl 4 distribution as increasing. 5 Is that consistent with your memory and 6 experience as a law enforcement officer around 7 2017-2018? 8 A. Yes, sir. 9 Q. And you can put that one away. 10 Okay. If you would, let's pull Exhibit 6 11 back out. There's one more question. 12 Okay. And, again, this is Exhibit 6, the 13 2018 HIDTA Threat Assessment. Under page 15 -- 14 A. Yes, sir. 15 Q. -- under the section "Pharmaceuticals," it 16 reads: The diversion of pharmaceutical drugs continues 17 to be a significant threat to the Texoma HIDTA region. 18 Did I read that sentence correctly? 19 A. Yes, sir. 20 Q. Okay. Now, the next paragraph down, under the 21 highlighted sentence, it reads: Pharmaceutical 22 diversion occurs in a variety of forms, but the most 23 common operation is the "pill-mill" model. 24 Did I read that correctly? 25 A. Yes, sir.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. Okay. If you would, pull out Exhibit 7, 2 please. 3 (Exhibit 7 was marked for identification.) 4 BY MR. BOONE: 5 Q. Okay. Do you recognize this document? 6 A. I recognize it's a -- it's an e-mail to me 7 dated back in '17. 8 Q. Okay. This document appears to be from an 9 individual named Floyd Heckman, Jr.? 10 A. Yes, sir. 11 Q. Do you know who Floyd is? 12 A. He is. He's with us. At the time, he was a 13 lieutenant in CNET. 14 Q. Okay. What was his role and responsibility 15 with CNET? 16 A. He was an operational lieutenant and a working 17 lieutenant in CNET. 18 Q. Okay. And was he employed by your sheriff 19 department? 20 A. Yes, sir. 21 Q. Okay. Was he involved in the gathering of data 22 and information used by the department? 23 A. Yes, sir. 24 Q. Okay. If we look at this document -- okay. 25 I'll share my screen.</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Yes. 2 Q. And the next sentence says: In 2016, 11 deaths 3 were related to U47700, the fentanyl analog. 4 Let me pause there. What is that U47700? 5 A. I have no idea. 6 Q. Okay. Now, anywhere in these data points does 7 it say how much or what percentage these overdose deaths 8 were related to prescription opioids? 9 A. I see no -- no focal points on there. 10 Q. Thank you. You can put that one away. 11 If you would bring out Exhibit 8, please. 12 (Exhibit 8 was marked for identification.) 13 BY MR. BOONE: 14 Q. All right, sir. Do you have Exhibit 8 in front 15 of you? 16 A. I do. 17 Q. Okay. Can you tell me what this is? 18 A. This looks like a -- a standard operating pro- 19 -- standard operating procedure -- blah, I'm sorry -- 20 procedure that we issued back in 2018. 21 Q. All right. And this is your signature at the 22 top, sir? 23 A. It is. 24 Q. Okay. And these are procedures and protocols 25 that your employees, your deputies, are supposed to</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. BOONE: And, again, this is Exhibit 7. 2 So, Concierge, you can go ahead and publish that one. 3 CONCIERGE: (Complied.) 4 BY MR. BOONE: 5 Q. This, I believe, is the second page of that 6 document. It's the page that says: On May 9th, 2017, 7 at 12:09 p.m., Floyd Heckman wrote -- it says: Sheriff, 8 this is a summary of overdose data from the Tarrant 9 County Medical Examiner's Office for 2015 and 2016. The 10 sentence reads, "In 2015," it reads: There were 141 11 drug overdose deaths caused by or related to opioid use. 12 66 deaths (47 percent) related to heroin use. 13 What was your understanding when you 14 received this as to what the phrase "related to opioids" 15 -- "opioid use" meant? 16 A. That we just simply had the -- these people 17 were users of op- -- opioids in general. 18 Q. Okay. Is there any way to discern where that 19 opioid substance was obtained from? 20 A. I don't have those cases in front of me so I 21 could look it up. 22 Q. Okay. Now, in number -- this next sentence, it 23 says: In 2016, there were 173 drug overdoses caused by 24 or related to opioid use, a 22.7 increase. 25 Did I read that correctly?</p>	<p style="text-align: right;">Page 69</p> <p>1 follow, correct? 2 A. That is correct. 3 Q. All right. Now, the first paragraph, paragraph 4 identified as A, states: Tarrant County deputies will 5 be provided with Narcan (naloxone) nasal spray to 6 provide emergency treatment in cases of opioid overdose 7 in the field caused either through intentional 8 consumption or accidental exposure. 9 Now, prior to this policy coming into 10 effect, was there any policy -- any written policy for 11 your department -- was there any written policy with 12 respect to the use of naloxone? 13 MS. ABSTON: Objection, form. 14 THE WITNESS: No. 15 BY MR. BOONE: 16 Q. Okay. Do you know what the practice was prior 17 to this policy being authorized by you? 18 A. We had a -- our JPS Hospital staff in the jail 19 had Narcan available to them, and our tactical medic had 20 Narcan available to him under the direction of the 21 Fort Worth medical director. 22 Q. Okay. Now, were these individuals only using 23 Narcan if it was an accidental exposure, as opposed to 24 an intentional consumption? 25 MS. ABSTON: Objection, form.</p>

<p style="text-align: right;">Page 70</p> <p>1 THE WITNESS: I -- I believe it'd be used</p> <p>2 for either/or.</p> <p>3 BY MR. BOONE:</p> <p>4 Q. Thank you.</p> <p>5 So that was the practice before this</p> <p>6 policy, correct? Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Was this written policy essentially codifying</p> <p>9 in writing what the practice was at the time?</p> <p>10 A. Yes, it was. The intent was, is that we saw</p> <p>11 more when [inaudible] -- so we broadened it to make sure</p> <p>12 that everybody had it.</p> <p>13 Q. Okay. When you said make sure every- --</p> <p>14 THE COURT REPORTER: I'm sorry. I didn't</p> <p>15 -- I'm sorry. I didn't get his answer. He's starting</p> <p>16 to speak a little lower now. I need him to speak up.</p> <p>17 Can you repeat your answer?</p> <p>18 THE WITNESS: Oh, I apologize.</p> <p>19 We wrote the policy with the intent because</p> <p>20 we were using Narcan -- we were distributing</p> <p>21 prolifically in our operation troop by patrol to make</p> <p>22 sure they had it on hand, and so the policy came into</p> <p>23 play.</p> <p>24 BY MR. BOONE:</p> <p>25 Q. Were there individuals that did not have</p>	<p style="text-align: right;">Page 72</p> <p>1 that if you believe you have an overdose on hand, you</p> <p>2 administer the Narcan a couple of times, and you'll have</p> <p>3 success.</p> <p>4 BY MR. BOONE:</p> <p>5 Q. Okay. Now, what substances does naloxone abate</p> <p>6 or assist with?</p> <p>7 A. Opioids.</p> <p>8 Q. All right. Any particular types of opioids?</p> <p>9 A. I believe it covers the gamut.</p> <p>10 Q. Thank you.</p> <p>11 Does your department track when it</p> <p>12 administers Narcan in the field?</p> <p>13 A. We do. It's -- it's probably indicated in an</p> <p>14 incident report or something to that effect. It's not a</p> <p>15 formal report, but -- but we track it.</p> <p>16 Q. Okay. Okay. Let's look at Exhibit 9, please.</p> <p>17 (Exhibit 9 was marked for identification.)</p> <p>18 BY MR. BOONE:</p> <p>19 Q. Okay. Do you have Exhibit 9 in front of you,</p> <p>20 sir?</p> <p>21 A. I do, sir.</p> <p>22 Q. All right. And these are a series of e-mails</p> <p>23 that have been stapled together, correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. All right. If you could turn to the e-mail</p>
<p style="text-align: right;">Page 71</p> <p>1 naloxone on hand?</p> <p>2 MS. ABSTON: Objection, form.</p> <p>3 THE WITNESS: Did not -- they did not have</p> <p>4 it prior to -- probably 2018, I'm sure, is when we</p> <p>5 started making sure every patrol officers had it on</p> <p>6 hand.</p> <p>7 BY MR. BOONE:</p> <p>8 Q. Gotcha.</p> <p>9 Okay. So before 2018, your deputies didn't</p> <p>10 necessarily have naloxone on hand with them when they</p> <p>11 went out to a call; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. All right. Perhaps, the EMTs would have</p> <p>14 naloxone when they responded to a call prior to 2018,</p> <p>15 correct?</p> <p>16 A. Oh, yes. Yes, absolutely.</p> <p>17 Q. But after this policy was instituted by you,</p> <p>18 sir, your deputies would also have naloxone on hand to</p> <p>19 utilize, if necessary, correct?</p> <p>20 A. That is correct.</p> <p>21 Q. What is your understanding as far as the</p> <p>22 efficacy of naloxone in treating individuals who have a</p> <p>23 -- a potential overdose episode?</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 THE WITNESS: It's my understanding that --</p>	<p style="text-align: right;">Page 73</p> <p>1 that is dated Wednesday, January 13th, from the Dallas</p> <p>2 Diversion Outreach. I will share my screen as well.</p> <p>3 A. Okay.</p> <p>4 Q. All right. This e-mail is from the Dallas</p> <p>5 Diversion Outreach.</p> <p>6 Let me ask you: What is that?</p> <p>7 A. I apologize. I do not remember that group.</p> <p>8 Q. That's okay.</p> <p>9 This paragraph at the beginning reads:</p> <p>10 Good morning -- by the way, this is to you,</p> <p>11 Bill Waybourn, correct?</p> <p>12 A. That is correct, yes, sir.</p> <p>13 Q. All right. And it's been copied to Calvin Bond</p> <p>14 also with the sheriff department?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. And this paragraph reads: Good morning.</p> <p>17 You are being notified as your departments are either</p> <p>18 former participants or interested agencies in the</p> <p>19 National Drug Take Back Initiatives.</p> <p>20 Can you tell me what the "National Drug</p> <p>21 Take Back Initiative" is?</p> <p>22 A. What I know about it, it is a program started</p> <p>23 many years ago that a couple of times a year they</p> <p>24 emphasize that if you have pharmaceuticals in your</p> <p>25 house; that is, particularly narcotics, is that we set</p>

<p style="text-align: right;">Page 74</p> <p>1 up drop-off stations where they can securely drop that 2 prescription off where we can dispose of it 3 appropriately. 4 Q. Gotcha. 5 And does Tarrant County Sheriff's 6 Department participate in this program? 7 A. We do. 8 Q. Is this a one-day event? Is this an event you 9 have regularly? 10 A. My memory serves me is that we do it a couple 11 of times a year, but, you know, I defer to Calvin Bond. 12 He would be able to answer that in more detail. 13 Q. Understood. Thank you. 14 Do you know if there are particular drugs 15 that are collected, or are certain drugs not permitted 16 to be provided? 17 A. I know of none not permitted, but I do not know 18 the list that we're looking for. I know it's opioids in 19 general, but I don't know which ones. 20 Q. Thank you. 21 And do you know what happens with the drugs 22 once they've been collected? 23 A. Again, I defer to Calvin on this, but it is -- 24 I believe they're going to -- they're going to be 25 destroyed in -- in a proper manner.</p>	<p style="text-align: right;">Page 76</p> <p>1 Grayson County Sheriff, Hunt County Sheriff, Parker 2 County Sheriff, Rockwall County Sheriff, Tarrant County 3 Sheriff, and Wise County Sheriff came together to 4 formulate this plan; is that correct? 5 A. That is correct. 6 Q. All right. Does this group author any reports 7 as to what this group is able to achieve? 8 A. There is, from time to time, a -- a report or 9 e-mail of reports that come out. 10 Q. Understood. 11 And does this unit work together to stop 12 the flow of narcotics, illegal substances? 13 A. Yes, sir. 14 Q. Okay. I'm looking here lower on the page, it 15 reads: This unit became operational on December 18, 16 2017, and the results of their efforts to date have been 17 nothing short of incredible. In the first quarter of 18 operations, this unit has seized \$60,000 of hidden U.S. 19 currency, 1,479 pounds of marijuana -- 20 Did I read that correctly? 21 A. Yes, sir. 22 Q. Okay. 23 -- 5 pounds of cocaine, 61 pounds of meth, 24 9 pounds of heroin, half a pound of fentanyl, 13 pounds 25 of THC products, 8 stolen vehicles, 4 automatic weapons,</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Okay. Thank you. You can put that one away. 2 All right. Let's pull out Exhibit 10, 3 please. Okay. Tell me when you're ready. 4 A. Almost. Okay. 5 Q. Okay. 6 MR. BOONE: So you can publish Exhibit 10, 7 Concierge. 8 CONCIERGE: (Complied.) 9 (Exhibit 10 was marked for identification.) 10 BY MR. BOONE: 11 Q. All right. And Exhibit 10 is entitled "Press 12 Release North Texas Sheriffs' Criminal Interdiction 13 Unit"; is that correct? 14 A. That is correct. 15 Q. Okay. Can you tell me what the North Texas 16 Sheriffs' Criminal Interdiction Unit unit is, please? 17 A. Yes, sir. This is several county sheriffs that 18 have come together to partner to do the interdiction 19 units that I'd spoken of earlier. 20 Q. Okay. And does this group still meet? 21 A. Yes, sir. 22 Q. Okay. Do you recall what departments or -- 23 well, I -- let me step back. 24 I see here at the very beginning, it reads: 25 In Sheriff -- in December 2017, Collin County Sheriff,</p>	<p style="text-align: right;">Page 77</p> <p>1 and made 57 arrests. 2 That's just in the first quarter of your 3 operations; is that right? 4 A. That is correct. 5 Q. This appears to be very successful to me. 6 Would you classify this as successful? 7 A. Yes, sir, it's been very successful. 8 Q. And has this group continued to experience the 9 same or similar types of successes? 10 A. They have. 11 Q. Okay. Now, I notice in this report of items 12 that were seized, I don't see anywhere the mention of 13 prescription opioids; is that correct? 14 A. Yes, sir. 15 Q. Okay. Sitting here today, are you aware of 16 this North Texas Criminal -- Criminal -- sorry. 17 Are you aware of the North Texas Sheriffs' 18 Criminal Interdiction Unit recovering prescription 19 opioids? 20 MS. ABSTON: Objection, form. 21 THE WITNESS: Not in my memory. I'd have 22 to review those reports. 23 BY MR. BOONE: 24 Q. Thank you. 25 You can put that one away, please.</p>

<p style="text-align: right;">Page 78</p> <p>1 Let's go to Exhibit 11.</p> <p>2 MR. BOONE: Actually, let me -- let me</p> <p>3 pause for a second.</p> <p>4 Counsel, I had promised that we would go</p> <p>5 for about an hour, then we would stop and have a lunch</p> <p>6 break. I don't -- I still think we should stop and take</p> <p>7 a break. I don't think we're going to be too much</p> <p>8 longer beyond that. But would now be a good time to</p> <p>9 stop?</p> <p>10 THE WITNESS: Yes, sir.</p> <p>11 MS. ABSTON: I think that works great.</p> <p>12 Thank you, Aaron.</p> <p>13 MR. BOONE: Okay.</p> <p>14 Sheriff, is it okay to pause for a little</p> <p>15 bit?</p> <p>16 THE WITNESS: Absolutely.</p> <p>17 MR. BOONE: All right.</p> <p>18 THE VIDEOGRAPHER: Okay. Time is 12:11</p> <p>19 p.m. We are off the record.</p> <p>20 (Lunch break taken.)</p> <p>21 THE VIDEOGRAPHER: Time is 12:47 p.m. We</p> <p>22 are on the record.</p> <p>23 BY MR. BOONE:</p> <p>24 Q. Good afternoon, Sheriff. Did you have a chance</p> <p>25 to take a break?</p>	<p style="text-align: right;">Page 80</p> <p>1 at all, but yes.</p> <p>2 Q. Understood.</p> <p>3 Now, you have no reason to believe that</p> <p>4 retail pharmacies, such as Kroger and Albertsons, are</p> <p>5 included within the construct of drug-trafficking</p> <p>6 organizations, do you?</p> <p>7 A. No.</p> <p>8 Q. Okay. I'm curious, if -- if -- do you have an</p> <p>9 opinion as to whether there is a substance abuse problem</p> <p>10 in Tarrant County?</p> <p>11 A. I -- I believe there is very much a substance</p> <p>12 abuse problem in Tarrant County, and I believe it's on</p> <p>13 the rise.</p> <p>14 Q. Okay. And why do you say that, sir?</p> <p>15 A. Well, our jail population is rising, and in</p> <p>16 that, we -- we see that about 80 percent of them that</p> <p>17 come through are motivated by some type of controlled</p> <p>18 substance.</p> <p>19 Q. Okay. Do you have an opinion as to which</p> <p>20 substances are the most prevalent?</p> <p>21 A. We're seeing fentanyl, methamphetamine, and</p> <p>22 heroin --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- from the illicit side.</p> <p>25 Q. Do you believe this rises to the level of a</p>
<p style="text-align: right;">Page 79</p> <p>1 A. I did indeed. Thank you.</p> <p>2 Q. Did you have lunch?</p> <p>3 A. I did. It was very good.</p> <p>4 Q. Good.</p> <p>5 Ready to proceed?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. Earlier, you were answering questions</p> <p>8 about some of the services that the jail facilities were</p> <p>9 providing to its population, specifically some health</p> <p>10 services -- specifically, mental health services.</p> <p>11 Is that organization called My Health My</p> <p>12 Resources of Tarrant County?</p> <p>13 A. That -- that would be it.</p> <p>14 Q. Okay, great.</p> <p>15 And in the HIDTA reports, we were talking</p> <p>16 about information speaking about DTOs, and I just want</p> <p>17 to share my screen so we can quickly refresh your</p> <p>18 recollection.</p> <p>19 Okay. So, for example, this is Exhibit 4,</p> <p>20 I believe, on page 3, which is Texoma_154. At --</p> <p>21 looking here at this paragraph that talks about DTO is</p> <p>22 defined as drug-trafficking organizations.</p> <p>23 Does that refresh your recollection as to</p> <p>24 what DTOs mean?</p> <p>25 A. It does. I don't see that acronym very often</p>	<p style="text-align: right;">Page 81</p> <p>1 crises or an epidemic?</p> <p>2 A. I would use the word "crises" and "epidemic,"</p> <p>3 as I discuss it, yes.</p> <p>4 Q. Okay. Do you have an opinion as to what</p> <p>5 retail, if any, retail pharmacies have played in any</p> <p>6 crises?</p> <p>7 A. I -- I would not. I would not, not that I know</p> <p>8 of.</p> <p>9 Q. I believe we left off --</p> <p>10 MR. BOONE: And just for the record, just</p> <p>11 -- just to kind of catch us up. Thus far, I have</p> <p>12 identified and produced while questioning Exhibits 1, 2,</p> <p>13 3, 4, 5, 6, 7, 8, 9, 10. I believe it's 10, and I do</p> <p>14 want those made part of the transcript.</p> <p>15 BY MR. BOONE:</p> <p>16 Q. If you would, pull out Exhibit 11, please.</p> <p>17 (Off-record discussion.)</p> <p>18 MS. ABSTON: Nope, we didn't open 11 yet.</p> <p>19 Yeah.</p> <p>20 THE WITNESS: Or for 10?</p> <p>21 MS. ABSTON: Oh, we did; we did 10.</p> <p>22 THE WITNESS: Oh, we did? Okay.</p> <p>23 MS. ABSTON: Yes, we did 10.</p> <p>24 You've got 11 right there.</p> <p>25 THE WITNESS: Oh, sorry. I'll put my</p>

<p style="text-align: right;">Page 82</p> <p>1 glasses on.</p> <p>2 MS. ABSTON: No, you're all good.</p> <p>3 (Off-record discussion.)</p> <p>4 (Exhibit 11 was marked for identification.)</p> <p>5 BY MR. BOONE:</p> <p>6 Q. Okay. Do you have Exhibit 11 pulled out?</p> <p>7 A. Yes, sir. Yes, sir.</p> <p>8 Q. Okay. I have this as Tarrant County -- excuse</p> <p>9 me -- the Bates number is TARRANT_00861977. This</p> <p>10 appears to be an e-mail from Mike Simons to</p> <p>11 Bill Waybourn.</p> <p>12 Who is Mike Simons?</p> <p>13 A. At the time, Mike was our senior chief. He has</p> <p>14 since retired.</p> <p>15 Q. I see.</p> <p>16 Who is XXXX XXXX?</p> <p>17 A. He is a deputy sheriff that is on assignment on</p> <p>18 the DEA task force.</p> <p>19 Q. Okay. In this e-mail it mentions a Deborah</p> <p>20 Carrillo. Who is Deborah?</p> <p>21 A. Just referring to the memo itself, at the time</p> <p>22 she was assistant special agent in charge here in</p> <p>23 Fort Worth in the DEA.</p> <p>24 Q. Okay. So in this e-mail that Deborah has</p> <p>25 written to you, dated March 23rd, 2020, she writes:</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. What is an encapsulating machine?</p> <p>3 A. As I recall, that's -- that's going to be your</p> <p>4 pill machine.</p> <p>5 Q. Okay. These are machines that press substances</p> <p>6 into pills that can be passed off and sold on the</p> <p>7 illicit market as drugs, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Ahh, here we go.</p> <p>10 At the top of the next page, it says: At</p> <p>11 the residence, 38 firearms were seized along with</p> <p>12 2 kilograms of methamphetamine, counterfeit Adderall</p> <p>13 tablets, about \$20,000 in currency.</p> <p>14 And on the prior page, it talks about the</p> <p>15 Fort Worth TDS. What is the TDS?</p> <p>16 A. I'm not familiar with that acronym. I</p> <p>17 apologize.</p> <p>18 Q. Okay.</p> <p>19 A. But it's going to -- it's going to be law</p> <p>20 enforcement because they execute search warrants, but</p> <p>21 I'm not sure what TDS stands for.</p> <p>22 Q. Thank you.</p> <p>23 Question: Do you know if the drugs that</p> <p>24 are seized are tested to determine what substances they</p> <p>25 are?</p>
<p style="text-align: right;">Page 83</p> <p>1 Good morning, Sheriff Waybourn and Sheriff Purdue. I</p> <p>2 wanted to start your weeks off with something good that</p> <p>3 has nothing to do with COVID-19. Below is a short</p> <p>4 synopsis of a case that TFO XXXX XXXX and TFO XXXX XXXX</p> <p>5 lead the charge on.</p> <p>6 What is TFO?</p> <p>7 A. Task force officer.</p> <p>8 Q. Okay. And what task force is this referring?</p> <p>9 A. It's a DEA task force here in the greater</p> <p>10 Tarrant County area.</p> <p>11 Q. Okay. And who is on the task force? What --</p> <p>12 what entities comprise this task force?</p> <p>13 A. Well, I don't know all the agencies there.</p> <p>14 Obviously, the two that he identified, XXXX is with</p> <p>15 Tarrant County Sheriff's Office, and XXXX at the time</p> <p>16 was with North -- North Richland Hills Police</p> <p>17 Department.</p> <p>18 Q. Okay. So I'm going to share my screen. The</p> <p>19 second paragraph in this e-mail from Ms. Carrillo reads:</p> <p>20 Initial information was derived from DEA headquarters</p> <p>21 import/export section regarding the delivery of a</p> <p>22 16,000-per-hour encapsulating machine valued at \$10,000</p> <p>23 to a nondescript warehouse in the Dallas/Fort Worth</p> <p>24 area.</p> <p>25 Did I read that correctly?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Yes.</p> <p>2 Q. Okay. That's generally the practice in these</p> <p>3 seizures?</p> <p>4 A. Absolutely.</p> <p>5 Q. Okay. Let's look at Exhibit 12, please.</p> <p>6 MS. ABSTON: And, Aaron, if you'll give us</p> <p>7 a moment, we can look through this one and make sure</p> <p>8 there's nothing we need to go off the record about.</p> <p>9 Just give us a second.</p> <p>10 MR. BOONE: Uh-huh.</p> <p>11 MS. ABSTON: Good to go?</p> <p>12 THE WITNESS: I'm good to go also.</p> <p>13 MS. ABSTON: Okay. We're good to go,</p> <p>14 Aaron.</p> <p>15 MR. BOONE: Thank you.</p> <p>16 (Exhibit 12 was marked for identification.)</p> <p>17 BY MR. BOONE:</p> <p>18 Q. So do you have Exhibit 12 in front of you?</p> <p>19 A. I do, sir.</p> <p>20 Q. Okay. If you would turn to the page that</p> <p>21 begins with an e-mail -- let me rephrase.</p> <p>22 Would you turn to the e-mail that contains</p> <p>23 e-mail from Matt Zavatsky dated Septem- -- dated</p> <p>24 April 23rd, 2021?</p> <p>25 I'm sharing my screen right now, if you'd</p>

<p style="text-align: right;">Page 86</p> <p>1 like to see. At the bottom, it has a Bates Number 2 TARRANT_00683583. 3 Okay. This e-mail is from Matt Zavadsky 4 dated April 23rd, 2021, and you are included among the 5 individuals who received this e-mail. The subject is 6 "Overdose Initiatives." And this e-mail begins: Hi, 7 TORRI team. That's capital T-O-R-R-I. 8 Do you know what TORRI is? 9 A. I apologize. I cannot recall what TORRI is. I 10 probably knew it at the time from conversations, but I 11 don't remember. 12 Q. Okay. If you can't recall what those 13 acronym -- what the acronym stands for, do you know 14 what, generally, this entity is? 15 A. There was a -- what they wanted to do is to try 16 to create a -- a mapping process where overdoses are 17 occurring to see where the hot areas were, if you will, 18 of ODs. That was -- that was their general of what was 19 happening. 20 Q. Gotcha. 21 And do you know if this entity is still in 22 existence? 23 A. I believe it is. I believe it's still there 24 and trying to improve. 25 Q. Okay. Do you know if your law enforcement</p>	<p style="text-align: right;">Page 88</p> <p>1 What is "Challenge of Tarrant County"? 2 A. Again, I don't know what that is. I don't know 3 -- 4 Q. Okay. 5 A. -- what that resulted from. 6 Q. Gotcha. 7 This mentions MedStar. Do you know what 8 MedStar is? 9 A. MedStar is our ambulance company. 10 Q. Ahh, okay. 11 Now, does the sheriff department have 12 administrative oversight over MedStar? 13 A. No, we do not. 14 Q. Okay. Does Tarrant County have any EMT 15 services that are county-owned and not contracted to a 16 private? 17 A. No. No, we don't. Yeah, no. 18 Q. All of your EMT services are contracted through 19 a private entity? 20 A. Right. And -- now, we have outlying agencies 21 that are -- fire district agencies that have their own 22 ambulance services in some of our unincorporated areas. 23 So it's not all MedStar. There's two or three different 24 ambulance services. 25 Q. Okay. So this live stream event that's</p>
<p style="text-align: right;">Page 87</p> <p>1 agency has been able to use the information generated by 2 TORRI? 3 A. I believe that we have -- we -- we were aware 4 of it. I don't know that it's been directly related to 5 any investigations, but we've -- we've seen different 6 things happen on -- on that mapping. 7 Q. Gotcha. 8 And in this e-mail he writes: As mentioned 9 during the meeting today, here are the two initiatives 10 mentioned. Number 1, the DEA/HIDTA areas program, ODMAP 11 program, reached out to MedStar about data sharing. 12 What is the ODMAP? Is this the mapping 13 that you were mentioning? 14 A. Right, the overdose map. 15 Q. Gotcha. 16 And is this, like, an online database that 17 law enforcement can access to see where trends are 18 occurring in overdose deaths? 19 A. I believe that to be the goal; I just don't 20 know it's been completely resolved. 21 Q. Understood. 22 And Number 2: We have been invited to 23 participate in a live stream event, quote, over the 24 overdoses, jointly sponsored by the DEA and Challenge of 25 Tarrant County.</p>	<p style="text-align: right;">Page 89</p> <p>1 mentioned here "Over the Overdoses," do -- do you recall 2 attending that live stream event? 3 A. I do not. 4 Q. Do you believe you attended it? 5 A. I -- I don't think I did. I don't -- I believe 6 I would remember that. 7 Q. Okay. Another e-mail here is from Kimberly 8 Harris. Who is Kimberly Harris? 9 A. I believe she is an administrative person with 10 Arlington PD, but I'm not completely sure. 11 Q. Okay. Are you familiar with Brad Pearce or 12 Trevor Clenney? 13 A. Quite frankly, I've heard the names, but in 14 regards to this, I would say that, again, Senior -- 15 Senior Chief Calvin Bond be able to probably better 16 answer that. 17 Q. Understood, okay. 18 Let's look at Exhibit 13, please. 19 (Exhibit 13 was marked for identification.) 20 MS. ABSTON: Can we go off the record for a 21 moment, Aaron, to review this? 22 MR. BOONE: Yes. 23 MS. ABSTON: Thank you. 24 THE VIDEOGRAPHER: Okay. Time is 1:05 p.m. 25 We are off the record.</p>

<p style="text-align: right;">Page 90</p> <p>1 (Brief recess taken.)</p> <p>2 THE VIDEOGRAPHER: Time is 1:09 p.m. We</p> <p>3 are on the record.</p> <p>4 BY MR. BOONE:</p> <p>5 Q. Sheriff, do you have Exhibit 13 in front of</p> <p>6 you?</p> <p>7 A. I do, sir.</p> <p>8 Q. Okay. And do you recognize this document?</p> <p>9 A. I do.</p> <p>10 Q. What is this document?</p> <p>11 A. This was some talking points that I was given</p> <p>12 by our director of Intel in regards to a briefing I was</p> <p>13 conducting before Governor Abbott and President Trump.</p> <p>14 Q. Okay. And was this a briefing that you</p> <p>15 delivered to President Trump?</p> <p>16 A. It was.</p> <p>17 Q. Okay. What was the occasion that you were</p> <p>18 providing this briefing?</p> <p>19 A. Governor Abbott asked me to be a briefer in</p> <p>20 this situation in regards to the impact of fentanyl in</p> <p>21 Tarrant County.</p> <p>22 Q. Understood.</p> <p>23 Were there other individuals, law</p> <p>24 enforcement other -- individuals or officials that were</p> <p>25 providing briefings to the President at this time?</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Gotcha.</p> <p>2 So -- so these were deaths and overdoses in</p> <p>3 large part because of foreign actors that were pushing</p> <p>4 these substances into your region?</p> <p>5 A. Correct.</p> <p>6 MS. ABSTON: Objection, form.</p> <p>7 BY MR. BOONE:</p> <p>8 Q. Okay. And that's what you wanted to convey to</p> <p>9 President Trump, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. All right. In this talking point here, third</p> <p>12 one down: Tarrant County is a prime location for</p> <p>13 Mexican cartels who take advantage of the elaborate</p> <p>14 highway system to quickly and efficiently deliver</p> <p>15 narcotics across the United States.</p> <p>16 I take it you agree with that statement,</p> <p>17 correct?</p> <p>18 A. I do, indeed.</p> <p>19 Q. The next statement that I have here highlighted</p> <p>20 reads: Fentanyl, once only a drug sold by a handfill</p> <p>21 of -- handful of dealers is currently flooding the</p> <p>22 Dallas/Fort Worth area in both jail -- in both pill and</p> <p>23 powder form.</p> <p>24 Is that correct?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Yeah. There's -- there was one other sheriff</p> <p>2 doing a briefing also.</p> <p>3 Q. Okay. All right. And does this e-mail here</p> <p>4 capture the talking points that you were prepared to</p> <p>5 share with the President?</p> <p>6 A. It does.</p> <p>7 Q. Okay. I'm going to publish this here.</p> <p>8 All right. Did you have this in front of</p> <p>9 you when -- or did you read this to the President or --</p> <p>10 A. No. I -- it became a very narrow briefing, and</p> <p>11 so I wasn't able to state all these talking points. I</p> <p>12 was prepared to, but it became a lot more narrow.</p> <p>13 Q. Understood.</p> <p>14 Do you recall what, specifically, you did</p> <p>15 relay to President Trump?</p> <p>16 A. The things that we wanted to make clear as</p> <p>17 to -- is, one, that there are cartel decision-makers in</p> <p>18 North Texas and Tarrant County. Fentanyl was coming</p> <p>19 across the border in great numbers, and China was</p> <p>20 delivering that fentanyl to Mexico, and the cartels were</p> <p>21 with them, collaborating with Chinese and Venezuelans,</p> <p>22 in order to get that north of the border.</p> <p>23 That was the essence of the -- of the</p> <p>24 statements, and people in Tarrant County were dying</p> <p>25 because of overdoses of fentanyl.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. And is that still the case today?</p> <p>2 A. It is slowing down a little bit, but it's</p> <p>3 still -- there's still a plethora of dope out there.</p> <p>4 Q. Gotcha.</p> <p>5 It reads next: Low-level dealers have</p> <p>6 access to large quantities of fentanyl powder. They</p> <p>7 have turned to making their own pills and "cutting" - or</p> <p>8 mixing - the fentanyl powder with our drugs, especially</p> <p>9 heroin, to increase potency and make more money.</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes, sir.</p> <p>12 Q. The fentanyl powder that's mentioned here,</p> <p>13 where is that coming from?</p> <p>14 A. Mexico.</p> <p>15 MS. ABSTON: Objection, form.</p> <p>16 BY MR. BOONE:</p> <p>17 Q. Okay. Thank you for sharing it with me.</p> <p>18 Let's look at Exhibit 14, please.</p> <p>19 (Exhibit 14 was marked for identification.)</p> <p>20 MR. BOONE: And, Counsel, do you need to</p> <p>21 take a look at this first?</p> <p>22 MS. ABSTON: Yes, if you don't mind. We'll</p> <p>23 just review it quickly. I believe once Sheriff looks</p> <p>24 through it, we might be good to talk about this one.</p> <p>25 MR. BOONE: Okay.</p>

<p style="text-align: right;">Page 94</p> <p>1 THE WITNESS: (Witness examines document.)</p> <p>2 MS. ABSTON: Okay, Aaron. I think we're</p> <p>3 good.</p> <p>4 MR. BOONE: Thank you.</p> <p>5 BY MR. BOONE:</p> <p>6 Q. So now we're looking at Exhibit 14. Do you</p> <p>7 have Exhibit 14 in front of you, Sheriff?</p> <p>8 A. I do, sir.</p> <p>9 Q. Okay. Can you tell me what this is?</p> <p>10 A. This is a -- a e-mail exchange between myself</p> <p>11 and Sheriff Jim Skinner at Collin County.</p> <p>12 Q. And who is -- oh, I'm sorry.</p> <p>13 Sheriff Skinner with Collin County; is that</p> <p>14 correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Now, I see here in this e-mail section</p> <p>17 that I'm showing on the screen; it's an e-mail from</p> <p>18 Tully Yount dated June 28, 2021.</p> <p>19 Do you know who Tully Yount is?</p> <p>20 A. Yes, sir. He'd be the commander over the</p> <p>21 interdiction units of the -- of the next sheriffs.</p> <p>22 Q. Okay. Now, the subject of this e-mail states:</p> <p>23 Requested Statistics Fiscal Year 2021.</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 96</p> <p>1 non-counterfeit prescription opioids, correct?</p> <p>2 MS. ABSTON: Objection, form.</p> <p>3 THE WITNESS: I -- I don't quite understand</p> <p>4 your question, Aaron.</p> <p>5 BY MR. BOONE:</p> <p>6 Q. Right.</p> <p>7 Of the list of items that were seized, none</p> <p>8 of those items were prescription opioids?</p> <p>9 MS. ABSTON: Objection, form.</p> <p>10 THE WITNESS: They didn't list them that</p> <p>11 way, so I -- but I'm not sure.</p> <p>12 BY MR. BOONE:</p> <p>13 Q. Okay. All right. Let's go through Exhibit 15.</p> <p>14 (Exhibit 15 was marked for identification.)</p> <p>15 MR. BOONE: You want to take a look at</p> <p>16 this, Counsel?</p> <p>17 MS. ABSTON: Yes, please. Thank you,</p> <p>18 Aaron.</p> <p>19 THE WITNESS: (Witness examines document.)</p> <p>20 MS. ABSTON: I think we're okay to talk</p> <p>21 about this one, Aaron.</p> <p>22 MR. BOONE: Great. Thank you.</p> <p>23 BY MR. BOONE:</p> <p>24 Q. And we're looking at Exhibit 15. Do you</p> <p>25 recognize this, sir?</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And it goes on to say: Sheriff, the here --</p> <p>2 here is the attached statistics for 2021. Please let me</p> <p>3 know if you need anything else.</p> <p>4 Is it your understanding that these are</p> <p>5 statistics for the contraband that was seized during</p> <p>6 2021 by this entity?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And I'm reading here, we see:</p> <p>9 Methamphetamines, 257.09 pounds; cocaine, 50 pounds;</p> <p>10 marijuana, 397.75 pounds; heroin, 16.8 pounds; THC</p> <p>11 products, 10.0 pounds; counterfeit pills, 16 pounds.</p> <p>12 Did I read that correctly?</p> <p>13 A. I believe you did.</p> <p>14 Q. And by "counterfeit pills," these would be</p> <p>15 pills illegally manufactured by drug dealers?</p> <p>16 A. That's what I'm --</p> <p>17 MS. ABSTON: Objection, form.</p> <p>18 Go ahead.</p> <p>19 BY MR. BOONE:</p> <p>20 Q. Go ahead.</p> <p>21 A. That -- I believe so, yes.</p> <p>22 Q. Okay. Let's go to Exhibit 15 -- let me -- let</p> <p>23 me step back for a second.</p> <p>24 Now, in that list that you just read, none</p> <p>25 of those items seized were prescription opioids,</p>	<p style="text-align: right;">Page 97</p> <p>1 A. I do. I vaguely remember this, yes, sir.</p> <p>2 Q. Okay. And Calvin Bond is with your office,</p> <p>3 correct?</p> <p>4 A. That is correct, sir.</p> <p>5 Q. Who is Katie Travis?</p> <p>6 A. She is my administrative assistant.</p> <p>7 Q. Gotcha.</p> <p>8 And reading this, it states: Katie, your</p> <p>9 summary below is correct on the number of</p> <p>10 fentanyl-related deaths. I would suggest using this</p> <p>11 regarding prices. As the supply of fentanyl powder and</p> <p>12 counterfeit pills has increased in Tarrant County over</p> <p>13 the last year, prices have dropped.</p> <p>14 Do you agree with that statement?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Why have prices for these counterfeit -- sorry.</p> <p>17 Why have these prices dropped?</p> <p>18 A. It is my belief because of the incredible</p> <p>19 amount of drugs that are here. It's that -- it's just</p> <p>20 the supply is huge.</p> <p>21 Q. I see.</p> <p>22 And, again, this is the supply of</p> <p>23 counterfeit pills, fentanyl powder, et cetera, correct?</p> <p>24 A. Yes. So --</p> <p>25 Q. Let me rephrase that.</p>

<p style="text-align: right;">Page 98</p> <p>1 This is the -- sorry.</p> <p>2 The increase in supply is related to the</p> <p>3 increase of fentanyl powder and counterfeit pills,</p> <p>4 correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. All right. This next statement, it says: In</p> <p>7 2020, counterfeit M30 Percocet pill costs approximately</p> <p>8 \$20 per pill. Today these illegal pills can be</p> <p>9 purchased between 8 to \$12.</p> <p>10 Did I read that correctly?</p> <p>11 A. You did.</p> <p>12 Q. Is that a correct statement even today?</p> <p>13 A. I believe it is very close, yes, sir.</p> <p>14 Q. Okay. And what does M30 refer to in this</p> <p>15 Percocet pill phrase?</p> <p>16 A. M- -- the M30 pill, which is a pharmaceutical</p> <p>17 narcotic, is often used by the cartel to disguise their</p> <p>18 fentanyl pills to look like regular pharmaceuticals.</p> <p>19 Q. I see.</p> <p>20 And so when we say "counterfeit M30</p> <p>21 Percocet pills," we're talking about pills that are</p> <p>22 created and brought to the country by the cartels?</p> <p>23 A. Yes, sir.</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 THE WITNESS: Yes, sir.</p>	<p style="text-align: right;">Page 100</p> <p>1 A. I do, yes, sir.</p> <p>2 Q. Okay. This flier continues on the next page.</p> <p>3 It says: In 2021 Tarrant County has experienced a large</p> <p>4 increase in fatal overdoses of fentanyl. The most</p> <p>5 affected group is the 16-to-24 years age bracket.</p> <p>6 It goes on at the very end: In all of</p> <p>7 2019, only nine fentanyl deaths were recorded by the</p> <p>8 Tarrant County Medical Examiner. In 2020 they recorded</p> <p>9 97 deaths of fentanyl overdose and 72 COVID-19 deaths.</p> <p>10 In 2021 we've had 78 fentanyl overdose deaths compared</p> <p>11 to 59 COVID -- COVID-19 deaths through August 18, 2021.</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Now, do you agree with this statement at the</p> <p>15 top that talks about Tarrant County experiencing a large</p> <p>16 increase in fatal overdoses in fentanyl?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. Why do you attribute -- why do you say</p> <p>19 the most affected group is the 16-to-24 year age</p> <p>20 bracket?</p> <p>21 MS. ABSTON: Objection, form.</p> <p>22 THE WITNESS: Those statistics were just</p> <p>23 delivered to me by either the ME's office or public</p> <p>24 counselor. I can't remember.</p> <p>25 BY MR. BOONE:</p>
<p style="text-align: right;">Page 99</p> <p>1 BY MR. BOONE:</p> <p>2 Q. Thank you.</p> <p>3 Okay. And let's go to number --</p> <p>4 Exhibit 16, please.</p> <p>5 (Exhibit 16 was marked for identification.)</p> <p>6 BY MR. BOONE:</p> <p>7 Q. And once you've got the document open, let me</p> <p>8 know.</p> <p>9 MS. ABSTON: Okay. I think we've got it</p> <p>10 open.</p> <p>11 MR. BOONE: Okay.</p> <p>12 BY MR. BOONE:</p> <p>13 Q. Sheriff, the beginning of this -- well, first</p> <p>14 off, do you recognize this document?</p> <p>15 A. I do.</p> <p>16 Q. Okay. What is this document?</p> <p>17 A. This is just a flier saying that myself and</p> <p>18 a -- a mother who lost a child to fentanyl overdose was</p> <p>19 going to speak at -- I believe it was the Catholic</p> <p>20 parish.</p> <p>21 Q. Okay. And do you often speak to those</p> <p>22 constituents or individuals in the region?</p> <p>23 A. I do, sir.</p> <p>24 Q. Okay. And do you recall this particular</p> <p>25 event -- speaking at this event?</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. So you don't have an opinion as to why this</p> <p>2 particular age bracket may or may not be the most</p> <p>3 affected age group?</p> <p>4 A. I -- I do not. I know that our youth,</p> <p>5 unfortunately, are able to get their hands on fentanyl a</p> <p>6 lot easier than other drugs sometimes.</p> <p>7 Q. I see.</p> <p>8 Do you know who Stephanie Hellstern is?</p> <p>9 A. Yes. She is the mother that spoke that evening</p> <p>10 that lost a child to fentanyl overdose.</p> <p>11 Q. Okay. Do you know how her child came to</p> <p>12 possess the drug that took his life?</p> <p>13 MS. ABSTON: Objection, form.</p> <p>14 THE WITNESS: I -- secondhand, the story</p> <p>15 is, is that he bought what he thought was a</p> <p>16 pharmaceutical drug from a fellow, and he took it, and</p> <p>17 he didn't live very long.</p> <p>18 BY MR. BOONE:</p> <p>19 Q. Okay. What is the Association of People</p> <p>20 Against Lethal Drugs?</p> <p>21 A. I -- I believe this -- this was a group that</p> <p>22 Stephanie was trying to start. I don't know that it</p> <p>23 ever fully got off the ground.</p> <p>24 Q. Okay. Let's go to Exhibit 17, please.</p> <p>25 (Exhibit 17 was marked for identification.)</p>

<p style="text-align: right;">Page 102</p> <p>1 BY MR. BOONE:</p> <p>2 Q. Do you recall -- first off, are you -- do you</p> <p>3 have Exhibit 17 in front of you?</p> <p>4 A. I do, sir.</p> <p>5 Q. Okay. Do you recognize this?</p> <p>6 A. I do not recall this.</p> <p>7 Q. Okay. It is an e-mail that is from Michael</p> <p>8 Laughlin to several individuals, including you, dated</p> <p>9 December 17th, 2021.</p> <p>10 Do you know who Michael Laughlin is?</p> <p>11 A. He, at one time, worked for the county</p> <p>12 administrator, and he was to assist in criminal justice</p> <p>13 matters across the county.</p> <p>14 Q. The subject of this document reads "BGA" --</p> <p>15 "BJA Grant Award Notice."</p> <p>16 Do you know what that -- do you know what</p> <p>17 the BJA Grant is?</p> <p>18 A. I -- that's the Bureau of Justice, but I -- I</p> <p>19 am not -- I'm not familiar with this grant.</p> <p>20 Q. Okay. Does your organization apply for grant</p> <p>21 monies?</p> <p>22 A. Does the sheriff's office?</p> <p>23 Q. Yes, sir.</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. Has the sheriff's department been</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. So do either of these grant funds touch on</p> <p>2 substance abuse treatment services?</p> <p>3 A. No, sir.</p> <p>4 Q. Do either of these grants help deal with</p> <p>5 substance abuse problems?</p> <p>6 MS. ABSTON: Objection, form.</p> <p>7 THE WITNESS: Indirectly?</p> <p>8 BY MR. BOONE:</p> <p>9 Q. Yes, uh-huh.</p> <p>10 A. Indirectly, human trafficking and those</p> <p>11 involved in auto theft, often there are drugs in the</p> <p>12 mix.</p> <p>13 Q. Understood. Okay.</p> <p>14 Has your department ever applied for grant</p> <p>15 monies specifically designed to address substance abuse</p> <p>16 treatment or illicit-drug interdiction?</p> <p>17 A. I cannot remember any grants that are that</p> <p>18 specific.</p> <p>19 Q. Okay. My question was, I think: Did you apply</p> <p>20 for anything along those lines? And I think your answer</p> <p>21 was: I don't recall there being any.</p> <p>22 Are you saying you didn't -- you don't</p> <p>23 recall applying for any, or there are none out there</p> <p>24 that are even available?</p> <p>25 MS. ABSTON: Objection, form.</p>
<p style="text-align: right;">Page 103</p> <p>1 successful in being awarded grants?</p> <p>2 A. We have.</p> <p>3 Q. Okay. What types of grants have you been</p> <p>4 successful in obtaining?</p> <p>5 A. We have -- the two big ones are, we have an</p> <p>6 auto-theft grant for a task force, and we have a</p> <p>7 human-trafficking grant for human trafficking.</p> <p>8 Q. Okay. As far as the auto theft, do you know</p> <p>9 the approximate value?</p> <p>10 A. The current value that we just signed off on</p> <p>11 is, I think, around 14 million.</p> <p>12 Q. Okay. And the purpose and use for those grant</p> <p>13 funds are what?</p> <p>14 A. To fund auto-theft investigators and -- and</p> <p>15 their resources.</p> <p>16 Q. Is this a national grant?</p> <p>17 A. It's out of our Governor's Office.</p> <p>18 Q. With respect to the human-trafficking grant,</p> <p>19 how much is that grant?</p> <p>20 A. It's a little over a million dollars.</p> <p>21 Q. So 14 million to recover cars, but only 1</p> <p>22 million to recover people, huh?</p> <p>23 A. There you go, yeah.</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 BY MR. BOONE:</p>	<p style="text-align: right;">Page 105</p> <p>1 The witness said: I cannot remember any</p> <p>2 grants that are that specific, is what the realtime's</p> <p>3 reflecting. So...</p> <p>4 MR. BOONE: Okay. And I have realtime in</p> <p>5 front of me, but thank you for that.</p> <p>6 BY MR. BOONE:</p> <p>7 Q. So -- so, Sheriff, again, I'm just trying to</p> <p>8 know what have you attempted to recover from grant funds</p> <p>9 to help with substance abuse?</p> <p>10 A. I have no recollection of us being involved in</p> <p>11 those.</p> <p>12 Q. Being involved in this?</p> <p>13 A. Is that -- you asked if we applied? I'm sorry.</p> <p>14 Q. Applied, yes. Applied.</p> <p>15 A. I don't believe -- I don't have in my memory</p> <p>16 the specific grant that was specific to recovery or --</p> <p>17 or rehabilitation.</p> <p>18 Q. Okay. Have you applied for grant funds for new</p> <p>19 equipment for your law enforcement officers?</p> <p>20 A. Yes. Yes, sir.</p> <p>21 Q. What kind of equipment?</p> <p>22 A. Well, we've had software, and we've had --</p> <p>23 there's software, and there's some equipment. And I</p> <p>24 believe it was in the area of less than lethal or, you</p> <p>25 know, also, possibly, I believe, maybe drone operations,</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 and I don't -- I don't recall anything else.</p> <p>2 Q. All right. And were you successful in</p> <p>3 acquiring grants to help fund those equipments?</p> <p>4 A. We have been successful in some of the</p> <p>5 equipment grants. I don't -- I don't know which ones to</p> <p>6 be specific.</p> <p>7 Q. Sure.</p> <p>8 And does some of that equipment help with</p> <p>9 drug interdiction?</p> <p>10 A. Directly and indirectly --</p> <p>11 MS. ABSTON: Objection, form.</p> <p>12 Go ahead.</p> <p>13 THE WITNESS: Directly and indirectly, it</p> <p>14 does.</p> <p>15 BY MR. BOONE:</p> <p>16 Q. Thank you. Okay.</p> <p>17 Do you -- does -- do you keep record of</p> <p>18 grant monies that your department has received?</p> <p>19 A. Oh, absolutely. We -- we manage those grants,</p> <p>20 and there's some documentation somewhere of what</p> <p>21 happened to all that.</p> <p>22 Q. Sure.</p> <p>23 Do you know if -- if grant funds that are</p> <p>24 received by a county agency like yourself, the sheriff</p> <p>25 department, is that kept track of by the county auditor,</p>	<p style="text-align: right;">Page 108</p> <p>1 \$87,000 in cash.</p> <p>2 Did I read that correctly?</p> <p>3 A. You did.</p> <p>4 Q. All right. And this next page appears to be a</p> <p>5 photograph. Does this depict the items that were</p> <p>6 seized?</p> <p>7 A. Yes, sir, it does.</p> <p>8 Q. Okay. Now, were any pharmaceuticals recovered</p> <p>9 here that were not illegally manufactured?</p> <p>10 A. I have no idea what the unknown orange pills</p> <p>11 were. That would be the only one suspect.</p> <p>12 Q. Gotcha.</p> <p>13 Are they typically tested to determine what</p> <p>14 the substances are?</p> <p>15 A. They will be tested sometimes before court. At</p> <p>16 some point before court, they'll be tested.</p> <p>17 Q. Gotcha.</p> <p>18 You know, in the seizures that we have read</p> <p>19 during this deposition today, all of the pills, but for</p> <p>20 this unknown orange pill, had been illegally</p> <p>21 manufactured pills, correct?</p> <p>22 MS. ABSTON: Objection, form.</p> <p>23 THE WITNESS: I would believe that to be</p> <p>24 correct.</p> <p>25 BY MR. BOONE:</p>
<p style="text-align: right;">Page 107</p> <p>1 if you know?</p> <p>2 A. As a general rule, the auditor will be</p> <p>3 involved.</p> <p>4 Q. Gotcha.</p> <p>5 Okay. Let's look at Exhibit 18, please.</p> <p>6 (Exhibit 18 was marked for identification.)</p> <p>7 BY MR. BOONE:</p> <p>8 Q. And do you have Exhibit 18 in front of you?</p> <p>9 A. I do, sir.</p> <p>10 Q. Can you tell me what this is, please?</p> <p>11 A. This is a press release that -- from February</p> <p>12 of '22.</p> <p>13 Q. I see.</p> <p>14 And this is from the Sheriff of Tarrant</p> <p>15 County, Texas. It's from your department, correct?</p> <p>16 A. That is correct.</p> <p>17 Q. All right. And it says: The Tarrant County</p> <p>18 Sheriff's Office Combined Narcotics Enforcement Team and</p> <p>19 the Tarrant County Special Weapons and Tactics Team take</p> <p>20 more drugs and guns out of the hands of criminals in our</p> <p>21 community.</p> <p>22 It goes on to say: CNET Investigators</p> <p>23 found more than 587 grams of M30 pills (fentanyl),</p> <p>24 114 grams of cocaine, 100 and -- 1,344 grams of</p> <p>25 marijuana, over 500 grams of unknown orange pills, and</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. During your time as sheriff of Tarrant County,</p> <p>2 have all the pills that have been seized been illegally</p> <p>3 manufactured pills?</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: I do not have those stats in</p> <p>6 front of me. I don't know.</p> <p>7 BY MR. BOONE:</p> <p>8 Q. Do you know where those tests might be?</p> <p>9 A. Well, we hope that our narcotics unit may have</p> <p>10 some annual stats on that. So Commander McDonald or</p> <p>11 Senior -- Senior Chief Calvin Bond might be able to</p> <p>12 answer that.</p> <p>13 Q. You said Trace McDonald?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Thank you.</p> <p>16 Let's go to Exhibit 19, please.</p> <p>17 (Exhibit 19 was marked for identification.)</p> <p>18 BY MR. BOONE:</p> <p>19 Q. And do you have Exhibit 19 in front of you?</p> <p>20 A. I do, sir.</p> <p>21 Q. Can you tell me what this is, please?</p> <p>22 A. This is an annual report that we constructed of</p> <p>23 the sheriff's office activity.</p> <p>24 Q. Understood.</p> <p>25 And this is prepared by your office?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. It is.</p> <p>2 Q. Okay. The very first page, the -- well, let's</p> <p>3 say it's Page No. 3. I'm going to share my screen so</p> <p>4 you can see.</p> <p>5 You discuss, on January 1st, you had the</p> <p>6 honor of being sworn in as the 39th Sheriff of Tarrant</p> <p>7 County. You state that: It was not until I had</p> <p>8 officially been sworn in that I could truly see where</p> <p>9 the operations of the Tarrant County Sheriff's Office</p> <p>10 stood. It states: There were policies that needed to</p> <p>11 be repealed or amended.</p> <p>12 Can you explain to me what those policies</p> <p>13 that needed repealed -- repealed or amended were?</p> <p>14 A. The first policy was, is that the previous</p> <p>15 administration had on our fugitive team a no-pursuit</p> <p>16 policy; meaning that if you knocked on the door of a</p> <p>17 murder suspect and he ran out the back door and he got</p> <p>18 in his car and drove off, they weren't allowed to</p> <p>19 pursue. We changed something like that on day one in</p> <p>20 order to chase those people down.</p> <p>21 Some of the others on amendments were --</p> <p>22 for instance, some of the weapons that could be carried</p> <p>23 was a very conservative list, and I wanted it to be more</p> <p>24 broad where people felt more comfortable with the --</p> <p>25 their sidearms and -- and other weaponry. Those --</p>	<p style="text-align: right;">Page 112</p> <p>1 BY MR. BOONE:</p> <p>2 Q. Okay. And that, of course, has increased the</p> <p>3 percentage of your budget that has to go towards taking</p> <p>4 care of prisoners and ensuring their safety, correct?</p> <p>5 A. Had a unnoticeable change in our budget to take</p> <p>6 care of prisoners. We -- we were -- we were still able</p> <p>7 to do that with the budget we had.</p> <p>8 Q. Right.</p> <p>9 And if you could take a look at Exhibit 20,</p> <p>10 please.</p> <p>11 (Exhibit 20 was marked for identification.)</p> <p>12 BY MR. BOONE:</p> <p>13 Q. And could you tell me what this is?</p> <p>14 A. It appears to be the budget requests for Public</p> <p>15 Health.</p> <p>16 Q. Okay. All right. Now, is the sheriff</p> <p>17 department budget included in the Public Health section,</p> <p>18 or is it separate?</p> <p>19 A. I believe it's separate.</p> <p>20 Q. Okay.</p> <p>21 A. We -- I think these would be two different</p> <p>22 budgets.</p> <p>23 Q. Yeah, I think so too.</p> <p>24 Let me ask you: Do you know if your budget</p> <p>25 format looks similar to the Public Health format?</p>
<p style="text-align: right;">Page 111</p> <p>1 we -- in the jail, our jailers weren't allowed to carry</p> <p>2 handcuffs or less-than-lethal spray. We -- we amended</p> <p>3 the policy immediately so that they could begin to carry</p> <p>4 handcuffs and spray for their own protection. Those are</p> <p>5 a few things that we immediately changed.</p> <p>6 Q. Understood.</p> <p>7 Were any policies changed with respect to</p> <p>8 the practices and procedures related to seizure of drugs</p> <p>9 and narcotics?</p> <p>10 A. I don't remember on the seizure aspect of it.</p> <p>11 We changed the mission of CNET to deal with more</p> <p>12 mid-level drug activity.</p> <p>13 Q. And here on the second page, page 4, this</p> <p>14 touches on the topic that I addressed earlier on. It</p> <p>15 reads: For the past 40 years, it was the accepted</p> <p>16 practice in Tarrant County that TCSO would not accept</p> <p>17 city prisoners into our county jail until a case had</p> <p>18 been officially accepted by the Tarrant County Criminal</p> <p>19 District Attorney's Office; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. Right.</p> <p>22 But you changed that policy so that you do</p> <p>23 accept those prisoners and do take custody of them?</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 THE WITNESS: We -- we did.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. Similar. Similar.</p> <p>2 Q. Similarly?</p> <p>3 A. Yeah. Thank you.</p> <p>4 Q. Sure.</p> <p>5 Okay. All right. That's all I have for</p> <p>6 this one. Thank you.</p> <p>7 MR. BOONE: Okay. Counsel, I think I'd</p> <p>8 like to go off record.</p> <p>9 MS. ABSTON: Okay.</p> <p>10 THE VIDEOGRAPHER: All right. Time is 1:42</p> <p>11 p.m. We are off the record.</p> <p>12 (Brief recess taken.)</p> <p>13 THE VIDEOGRAPHER: Time is 1:57 p.m. We</p> <p>14 are on the record.</p> <p>15 BY MR. BOONE:</p> <p>16 Q. Sheriff, just a few more questions, if I may.</p> <p>17 Earlier, I talked with you about the</p> <p>18 existence, if at all, of a substance abuse problem or</p> <p>19 crises in Tarrant County, and I asked you, quote: Do</p> <p>20 you have any opinion as to which substances are</p> <p>21 prevalent? And you answered: We are seeing fentanyl,</p> <p>22 methamphetamine, and heroin.</p> <p>23 And I was curious if there are any other</p> <p>24 substances that you're seeing --</p> <p>25 MS. ABSTON: Objection --</p>

<p style="text-align: right;">Page 114</p> <p>1 BY MR. BOONE:</p> <p>2 Q. -- or per -- per the crises?</p> <p>3 MS. ABSTON: Objection, form.</p> <p>4 THE WITNESS: Is -- I couldn't specifically</p> <p>5 name them. If they were here, we -- we -- I know we</p> <p>6 have K2 problems; we've had those. And I think we have</p> <p>7 the whole bailiwick of them. But, generally, right now,</p> <p>8 you know, fentanyl's gotten our attention clearly,</p> <p>9 because it's one pill, and you're -- you're dead. So</p> <p>10 that's -- that's the one to get your attention.</p> <p>11 BY MR. BOONE:</p> <p>12 Q. Understood.</p> <p>13 Now, have you been asked to provide any</p> <p>14 expert opinions in this lawsuit?</p> <p>15 A. I don't think I've been requested by anyone, to</p> <p>16 be quite honest.</p> <p>17 Q. Now, is it fair to say you have no opinion as</p> <p>18 to how retail pharmacies have contributed, if at all, to</p> <p>19 any opioid crises?</p> <p>20 MS. ABSTON: Objection, form.</p> <p>21 THE WITNESS: I have no opinion.</p> <p>22 BY MR. BOONE:</p> <p>23 Q. Okay. In many of the questions and answers</p> <p>24 that we have shared today with respect to the specific</p> <p>25 drug interdiction, you've -- HIDTA, et cetera -- have</p>	<p style="text-align: right;">Page 116</p> <p>1 this case, and I have just a couple questions for you.</p> <p>2 I don't want to re- -- re-cover what Mr. Boone has</p> <p>3 already covered.</p> <p>4 So I understand Mr. Boone just asked you a</p> <p>5 question about opinions. But my question for you is:</p> <p>6 Do you have any information that would indicate that any</p> <p>7 retail pharmacies, including Kroger and Albertsons, were</p> <p>8 participating inappropriately in any diversion of</p> <p>9 prescription opioids?</p> <p>10 MS. ABSTON: Objection, form.</p> <p>11 THE WITNESS: I don't recall any briefings</p> <p>12 that involved those two.</p> <p>13 BY MS. STEWART:</p> <p>14 Q. Okay. Do you have any information to provide</p> <p>15 where a retail pharmacist or pharmacy perpetrated some</p> <p>16 wrongdoing when it comes to the dispensing of</p> <p>17 prescription opioids?</p> <p>18 MS. ABSTON: Objection, form.</p> <p>19 THE WITNESS: I have none.</p> <p>20 MS. STEWART: Those are my only questions</p> <p>21 for you. Thank you.</p> <p>22 MS. ABSTON: Okay. Before we close out the</p> <p>23 deposition today, could we go off the record very</p> <p>24 quickly?</p> <p>25 MR. BOONE: I do have follow-up questions.</p>
<p style="text-align: right;">Page 115</p> <p>1 talked about some of the illicit-drug trafficking that's</p> <p>2 been going through Tarrant County, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Is it fair to say the vast majority of the law</p> <p>5 enforcement resources for your department is being</p> <p>6 earmarked and dedicated to the illicit-drug trafficking?</p> <p>7 MS. ABSTON: Objection, form.</p> <p>8 THE WITNESS: I would agree with that</p> <p>9 statement, that the majority does go after that.</p> <p>10 BY MR. BOONE:</p> <p>11 Q. Okay. Okay.</p> <p>12 A. Not all. I'm sorry.</p> <p>13 Q. Not all of them?</p> <p>14 A. No, not all of them.</p> <p>15 MR. BOONE: Sheriff, those are all the</p> <p>16 questions I have for now. I -- thank you very much for</p> <p>17 your time. I may have questions if other counsel have</p> <p>18 any follow-ups. Okay?</p> <p>19 THE WITNESS: Thank you.</p> <p>20 EXAMINATION</p> <p>21 BY MS. STEWART:</p> <p>22 Q. Sheriff, my name is Allison Stewart. We met</p> <p>23 just before we went on the record to start this morning,</p> <p>24 but to remind you, I'm an attorney at Greenberg Traurig,</p> <p>25 and I'm representing the Albertsons as a defendant in</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. ABSTON: Oh, sorry. Go ahead. Sorry.</p> <p>2 FURTHER EXAMINATION</p> <p>3 BY MR. BOONE:</p> <p>4 Q. Thank you, Sheriff. And I appreciate you</p> <p>5 answering Ms. Stewart's questions.</p> <p>6 And I believe one of your responses to the</p> <p>7 question of whether you had any information that would</p> <p>8 indicate any retail pharmacies were participating</p> <p>9 inappropriately in diversion of prescription opioids,</p> <p>10 you answered: I don't recall any briefings that</p> <p>11 involved those two.</p> <p>12 Are you aware of other retail pharmacies?</p> <p>13 MS. ABSTON: Objection, form.</p> <p>14 THE WITNESS: I am not.</p> <p>15 BY MR. BOONE:</p> <p>16 Q. Okay.</p> <p>17 MR. BOONE: That's all I have.</p> <p>18 MS. ABSTON: Okay. Before we close out,</p> <p>19 can we go off the record really quick?</p> <p>20 THE VIDEOGRAPHER: Okay. Time is 2:02 p.m.</p> <p>21 We are off the record.</p> <p>22 (Brief recess taken.)</p> <p>23 THE VIDEOGRAPHER: Time is 2:05 p.m. We</p> <p>24 are on the record.</p> <p>25 MS. ABSTON: Okay. Thank you.</p>

<p style="text-align: right;">Page 118</p> <p>1 Before we close out today, we would like to</p> <p>2 make a statement about what has been marked as Exhibit</p> <p>3 No. 11. The Bates number reads TARRANT_00861977. We</p> <p>4 would like to claw back this document for the limited</p> <p>5 purpose of redacting the names of law enforcement</p> <p>6 officers engaged in sensitive or undercover operations,</p> <p>7 and that should not have been disclosed. We will be</p> <p>8 replacing the document with an overlay production, and</p> <p>9 we ask that any copies of the originally produced</p> <p>10 document be destroyed.</p> <p>11 We're asking for the defendants' agreement</p> <p>12 in not only this, but also that the names of any of</p> <p>13 those officers be struck from the record and redacted</p> <p>14 from the record. So we are happy to provide the</p> <p>15 defendants and the court reporter with redacted versions</p> <p>16 of the exhibits, and we'll be circulating an e-mail</p> <p>17 request that contains this information as well.</p> <p>18 MR. BOONE: Counsel, we have no objection</p> <p>19 to that. Off record, you gave a little bit more detail</p> <p>20 as to why it is protected, and so given that</p> <p>21 information, we agree.</p> <p>22 The only caveat is, there has been a</p> <p>23 videotape made of this deposition, and I have shared my</p> <p>24 screen from time to time, and it is possible that the</p> <p>25 name was shown on my screen, and so I would just ask</p>	<p style="text-align: right;">Page 120</p> <p>1 you. Thank you for answering my questions and spending</p> <p>2 some time with me. Best of luck to you.</p> <p>3 THE WITNESS: Thank you, Aaron. It was</p> <p>4 good -- thank you. And Allison, also.</p> <p>5 THE VIDEOGRAPHER: All right. Well, this</p> <p>6 concludes today's deposition. Time is 2:08 p.m. We are</p> <p>7 off the record.</p> <p>8 (Deposition concluded at 2:08 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 119</p> <p>1 that the burden on getting with the videographer and</p> <p>2 making sure that does not appear inappropriately, that</p> <p>3 that burden rests with Plaintiff, with your office, and</p> <p>4 that you'll make sure that's taken care of prior to its</p> <p>5 use at trial, if --</p> <p>6 MS. ABSTON: Absolutely.</p> <p>7 MR. BOONE: -- it goes that way. Okay.</p> <p>8 MS. ABSTON: And thank you, Aaron. Yes,</p> <p>9 absolutely.</p> <p>10 Okay. And we want to close with this:</p> <p>11 Thank you for your time today, Sheriff. Thank you for</p> <p>12 all your -- all that you do for Tarrant County, and we</p> <p>13 know that this is a significant portion of your day, and</p> <p>14 we just really appreciate it. And thank you for all</p> <p>15 that you do.</p> <p>16 Thank you, everyone.</p> <p>17 THE VIDEOGRAPHER: Mrs. Behan, do you have</p> <p>18 anything for the record?</p> <p>19 THE COURT REPORTER: If anyone would like a</p> <p>20 copy of the transcript, you can let me know that now.</p> <p>21 MR. BOONE: I would.</p> <p>22 MS. ABSTON: Yes, and I think that Sadie</p> <p>23 from our office is going to be reaching out about the</p> <p>24 transcript as well.</p> <p>25 MR. BOONE: Sheriff, pleasure meeting with</p>	<p style="text-align: right;">Page 121</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF OHIO</p> <p>3 EASTERN DIVISION</p> <p>4 IN RE: NATIONAL PRESCRIPTION) MDL No. 2804</p> <p>5 OPIATE LITIGATION)</p> <p>6)</p> <p>7)</p> <p>8 THIS DOCUMENT RELATES TO:)</p> <p>9 Track Nine: Tarrant County,) Case No.: 17-md-2804</p> <p>10 Texas)</p> <p>11)</p> <p>12)</p> <p>13 (Case No. 1: 18-op-45274-DAP)) Judge Dan Aaron Polster</p> <p>14)</p> <p>15 -----</p> <p>16 REPORTER'S CERTIFICATION</p> <p>17 ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>18 BILLY EARL WAYBOURN</p> <p>19 THURSDAY, JULY 6, 2023</p> <p>20 I, Kari J. Behan, CSR, RPR, CRR, and in and for the</p> <p>21 State of Texas, do hereby certify that the facts as</p> <p>22 stated by me in the caption hereto are true;</p> <p>23 That there came before me the aforementioned named</p> <p>24 person, who was by me duly sworn to testify the truth</p> <p>25 concerning the matters in controversy in this cause;</p> <p>And that the examination was reduced to writing by</p> <p>computer transcription under my supervision; that the</p> <p>deposition is a true record of the testimony given by</p> <p>the witness.</p> <p>I further certify that I am neither attorney or</p> <p>counsel for, nor related to or employed by, any of the</p> <p>parties to the action in which this deposition is taken,</p> <p>and further that I am not a relative or employee of any</p> <p>attorney or counsel employed by the parties hereto, or</p> <p>financially interested in the action.</p> <p>Given under my hand and seal of office on this 27th</p> <p>day of July, 2023</p> <p><i>Kari J. Behan</i></p> <p>----- RPR, CRR</p> <p>Texas CSR NO. 8564;</p> <p>Expiration Date: 7-31-2024</p> <p>VERITEXT LEGAL SOLUTIONS</p> <p>Firm Registration No. 571</p> <p>Telephone (800) 336-4000</p>

<p style="text-align: right;">Page 122</p> <p>1 Veritext Legal Solutions 1100 Superior Ave 2 Suite 1820 Cleveland, Ohio 44114 Phone: 216-523-1313</p> <p>3 4 July 28, 2023</p> <p>5 To: ALEX ABSTON</p> <p>6 Case Name: National Prescription Opiate Litigation - Track 9 (Tarrant 7 County) v. 8 Veritext Reference Number: 5945991 9 Witness: Bill Earl Waybourn Deposition Date: 7/6/2023</p> <p>10 Dear Sir/Madam:</p> <p>11</p> <p>12 Enclosed please find a deposition transcript. Please have the witness 13 review the transcript and note any changes or corrections on the 14 included errata sheet, indicating the page, line number, change, and 15 the reason for the change. Have the witness' signature notarized and 16 forward the completed page(s) back to us at the Production address shown</p> <p>17 above, or email to production-midwest@veritext.com.</p> <p>18</p> <p>19 If the errata is not returned within thirty days of your receipt of 20 this letter, the reading and signing will be deemed waived.</p> <p>21 Sincerely,</p> <p>22 Production Department</p> <p>23 24 25 NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 124</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 5945991 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) v. DATE OF DEPOSITION: 7/6/2023 WITNESS' NAME: Bill Earl Waybourn</p> <p>5 In accordance with the Rules of Civil Procedure, I have read the entire transcript of 6 my testimony or it has been read to me. 7 I have listed my changes on the attached Errata Sheet, listing page and line numbers as 8 well as the reason(s) for the change(s). 9 I request that these changes be entered as part of the record of my testimony.</p> <p>10</p> <p>11 I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my 12 testimony and be incorporated therein.</p> <p>13 _____ Date Bill Earl Waybourn</p> <p>14</p> <p>15 Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that: 17 They have read the transcript; They have listed all of their corrections 18 in the appended Errata Sheet; They signed the foregoing Sworn 19 Statement; and Their execution of this Statement is of 20 their free act and deed. 21 I have affixed my name and official seal 22 this _____ day of _____, 20____.</p> <p>23 _____ Notary Public</p> <p>24 25 _____ Commission Expiration Date</p>
<p style="text-align: right;">Page 123</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 5945991 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) v. DATE OF DEPOSITION: 7/6/2023 WITNESS' NAME: Bill Earl Waybourn</p> <p>5 In accordance with the Rules of Civil Procedure, I have read the entire transcript of 6 my testimony or it has been read to me. 7 I have made no changes to the testimony as transcribed by the court reporter.</p> <p>8</p> <p>9 _____ Date Bill Earl Waybourn</p> <p>10 Sworn to and subscribed before me, a Notary Public in and for the State and County, 11 the referenced witness did personally appear and acknowledge that:</p> <p>12 They have read the transcript; 13 They signed the foregoing Sworn Statement; and 14 Their execution of this Statement is of their free act and deed.</p> <p>15</p> <p>16 I have affixed my name and official seal 17 this _____ day of _____, 20____.</p> <p>18 _____ Notary Public</p> <p>19 _____ Commission Expiration Date</p> <p>20 21 22 23 24 25</p>	<p style="text-align: right;">Page 125</p> <p>1 ERRATA SHEET VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>2 ASSIGNMENT NO: 5945991</p> <p>3 PAGE/LINE(S) / CHANGE /REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 Date Bill Earl Waybourn</p> <p>22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____</p> <p>23 DAY OF _____, 20____.</p> <p>24 _____</p> <p>25 _____ Notary Public</p> <p>_____</p> <p>Commission Expiration Date</p>